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MINERAL LAWS

OF THE

ORANGE RIVER COLONY.

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45

THE MINERAL LAWS

OF THE

ORANGE RIVER COLONY,

INCLUDING

THE MINING OF PRECIOUS METALS ORDINANCE, 1904,
THE MINING OF PRECIOUS STONES ORDINANCE, 1904,
THE MINING OF BASE METALS AND MINERALS ORDINANCE, 1904,
AND
THE MINES REGULATIONS,
WITH NOTES
AND

A COMPLETE INDEX,

BY
William Henry
W. H. SOMERSET BELL,
EDITOR OF THE "SOUTH AFRICAN LAW JOURNAL," AND ATTORNEY OF THE SUPREME COURTS OF THE TRANSVAAL COLONY AND OF THE CAPE OF GOOD HOPE.

GRAHAMSTOWN, CAPE COLONY:
AFRICAN BOOK COMPANY, LIMITED.
1904.

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AFRICAN BOOK COMPANY, LIMITED,
PRINTERS.

Rec. June 2, 1905

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PREFACE.

It occurred to me that the publication of the recent Ordinances and Regulations relating to the Mining of Precious Metals, Precious Stones, and Base Metals in the Orange River Colony, in a handy form with a complete index would be acceptable to those interested in mining, as well as to prospectors and investors. I have added some footnotes to the text which will facilitate reference, and I have prepared an index which I trust will prove of service to those who have occasion to consult it.

W. H. S. B.

JOHANNESBURG.
August 8, 1904.

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No. 227—1904.

GOVERNMENT NOTICE.

PROMULGATION OF ORDINANCES.

His Excellency the Governor has been pleased to assent to the subjoined Ordinances which have been passed by the Legislative Council:—

Ordinance No. 3 of 1904, entitled "An Ordinance to Regulate the Mining of Precious Metals."

Ordinance No. 4 of 1904, entitled "An Ordinance Regulating the Mining of Precious Stones."

Ordinance No. 8 of 1904, entitled "An Ordinance Regulating the Mining of Base Metals and Minerals."

By command of His Excellency the
Acting Lieutenant-Governor,

J. A. ASHBURNHAM,
Acting Colonial Secretary.

Colonial Secretary's Office,
Bloemfontein, 17th June, 1904.

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No. 3 of 1904.] [17th June, 1904.

Ordinance

TO REGULATE THE MINING OF PRECIOUS METALS.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof as follows:—

PART I.

GENERAL.

Right of owner to prospect.

1. The right of every landowner to prospect for precious metals without license, subject to the notice* hereinafter prescribed, freely and without hindrance within the limits of his property is hereby recognised.

If no prospecting takes place.

2. So long as a private owner does not personally prospect or grant permission to others to prospect the Government shall not have the power to proclaim his land a Public Digging or grant prospecting rights thereupon nor shall any one have the power to compel such owner to cause his land to be prospected or otherwise deal with such land under the provisions of this Ordinance

If prospecting has taken place.

3. Where a private owner has granted permission to another to prospect on his land or where such owner has prospected on his land himself he shall be taken and considered to have consented to such land being proclaimed

* See section 17.

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"Mining Property" shall mean and comprise any claim, block of claims or mynpacht, or any mynpacht together with any claim or claims contiguous thereto on a Public Digging occupied by any person as the registered holder thereof under the provisions of this Ordinance.

"Crown Land" shall mean all unalienated Crown land and all land the property of the Government of this Colony in whatever way acquired and any land alienated by the Government of this Colony with a reservation thereto of precious metals.

"Private Land" shall mean any area of land of which the ownership is vested in any person as shown by the title deed or deed of transfer and in the title whereof there is no reservation to the Crown of precious metals.

"Prospecting" shall mean the performance of all work and the carrying on of all operations which may appear necessary or desirable in the search for the precious metals mentioned in section 4, or which have in view the testing of the permanency or payability of reefs or deposits containing any of such precious metals.

"Digging" or "Mining" shall mean the intentional winning of ore or the extraction of precious metals including all work necessary for that purpose irrespective of whether such winning is effected by underground mining, open cutting, boring or otherwise.

"Claimholder" shall mean the licensed owner of a claim.

"Prospector" shall mean a person who holds a license to prospect for precious metals, or any owner who has given notice to the Magistrate of his intention to prospect.

"Magistrate" shall mean the Resident Magistrate or

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a Public Digging in the event of precious metals being found thereon. The Government shall at all times have the right to institute an inquiry with regard to such prospecting having taken place or such permission to prospect having been granted.

Application of Ordinance.

4. This Ordinance shall be applicable to gold and silver and to such other precious metals as the Lieutenant-Governor shall from time to time by proclamation declare to be included within its provisions.

Interpretation of terms.

5. In the interpretation of this Ordinance unless repugnant to the context the following words and expressions in inverted commas shall have the meanings thereto respectively assigned:—

"Public Digging" shall signify every area of land and every extension thereof proclaimed a Public Digging under the provisions of this Ordinance.

"Claim" shall signify an area of land situated on a Public Digging (not being a mynpacht) assigned under the provisions of this Ordinance for mining purposes.

"Reef Claim" shall mean a claim acquired for the purpose of mining for gold or other precious metals found in a reef.

"Alluvial Claim" shall mean a claim acquired for the purpose of mining for gold or other precious metals found in alluvial deposits.

"Block of Claims" or "Block" shall mean any number of contiguous claims.

"Mynpacht" shall mean an area of land situated on a Public Digging reserved for mining purposes to the owner or owners of private land on which such Digging is proclaimed or to the discoverer of precious metals on Crown land.

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"Mining Property" shall mean and comprise any claim, block of claims or mynpacht, or any mynpacht together with any claim or claims contiguous thereto on a Public Digging occupied by any person as the registered holder thereof under the provisions of this Ordinance.

"Crown Land" shall mean all unalienated Crown land and all land the property of the Government of this Colony in whatever way acquired and any land alienated by the Government of this Colony with a reservation thereto of precious metals.

"Private Land" shall mean any area of land of which the ownership is vested in any person as shown by the title deed or deed of transfer and in the title whereof there is no reservation to the Crown of precious metals.

"Prospecting" shall mean the performance of all work and the carrying on of all operations which may appear necessary or desirable in the search for the precious metals mentioned in section 4, or which have in view the testing of the permanency or payability of reefs or deposits containing any of such precious metals.

"Digging" or "Mining" shall mean the intentional winning of ore or the extraction of precious metals including all work necessary for that purpose irrespective of whether such winning is effected by underground mining, open cutting, boring or otherwise.

"Claimholder" shall mean the licensed owner of a claim.

"Prospector" shall mean a person who holds a license to prospect for precious metals, or any owner who has given notice to the Magistrate of his intention to prospect.

"Magistrate" shall mean the Resident Magistrate or

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Detached Assistant Resident Magistrate of the district or such person or persons as may be appointed to relieve the Magistrate of his mining duties under this Ordinance.

"Inspector" shall mean the officer appointed as Inspector or Deputy Inspector of Mines for the mining district in which any Public Digging is situated.

"Stand" shall mean a definite portion of land of a size fixed by this Ordinance to be used as a site for a residence or for trading purposes or for housing of labourers or other mining purposes.

"Developed" shall mean opened up and prepared for the stoping or mining of ore.

"Surveyor's Diagram" shall mean a diagram framed and signed by a surveyor duly admitted under the Lands and Survey Ordinance, 1903.

"Coloured Person" shall signify any African, Asiatic or Polynesian aboriginal native, any coloured American person, Arab, Coolie or Chinaman and all persons who in accordance with law or custom are called coloured persons or are treated as such of whatever race or nationality they may be.

Power of Lieutenant-Governor to make regulations.

6. It shall be lawful for the Lieutenant-Governor by notice in the *Gazette* from time to time to frame, amend and repeal regulations for the administration of this Ordinance and to prescribe the penalties for the contravention thereof and in particular in respect of the following matters:—

(1) The duties, powers and remuneration of Inspectors and other officers appointed under this Ordinance.
(2) The pegging off of claims on proclaimed diggings.
(3) The sanitation of mines and mining areas.
(4) The safety of persons employed in prospecting and in mines and mining areas and the responsibility

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therefor, including the inspection and regulation of boilers and engines.

(5) The control of coloured persons employed on Public Diggings.

(6) The sale of claims by the Government.

(7) The establishment within mining areas of hospitals for the use of employees.

(8) The registration and transfer of mining rights and the issue of certified copies in place of lost licenses or deeds of transfer.

(9) The qualification and licensing of persons employed as mine managers, mine captains, engine-drivers and those employed in blasting operations, and the prohibition of the employment of unqualified persons as such.

(10) The obtaining of returns, plans, and other statistics with reference to mining and prospecting for precious metals.

(11) The storage, receipt, distribution and transport of explosives.

(12) Appeals against the decision of the Inspector.

And such regulations fourteen days after being published in the *Gazette* shall have the force of law as if expressed in this Ordinance.

Power of Inspector to demand statistics.

7. It shall be lawful for every Inspector to obtain from all persons prospecting or mining for precious metals within his district all such statistics as may be prescribed in the regulations mentioned in the last preceding section. Any person wilfully refusing or failing to supply such statistics within the time specified in such regulations shall on conviction be liable to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding three months.

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Arbitration clause.

8. Whenever under the provisions of this Ordinance any matter is to be determined by arbitration the following provisions shall apply:—

(1) Each party to the reference shall appoint an arbitrator. Such appointment shall be in writing and shall remain in force unless revoked by the consent of both parties and in case of the death of one or more of the parties shall be binding on the successors, heirs or assigns of the deceased.

(2) In case any party fail to appoint an arbitrator within one month after written notice of reference to arbitration has been served upon him by the other party the arbitrator appointed by the party giving such notice shall act as sole arbitrator and his award shall be binding on all the parties concerned.

(3) When two arbitrators have been duly appointed as aforesaid they shall before proceeding to act appoint an umpire and in case of their failing to agree on such appointment a Judge of the High Court may on application of either or both parties appoint an umpire.

(4) If at any time before the award is given an arbitrator shall die or refuse or become unable to act the party by whom he was appointed shall in writing appoint another arbitrator in his place.

In case such party fail to make such appointment within eight days after receiving notice in writing to that effect from the opposite party the umpire if appointed shall appoint the said arbitrator and in default thereof one or

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both parties may apply to a Judge of the High Court for the appointment of such arbitrator.

(5) The decision of the said sole arbitrator or arbitrators as the case may be, or in case of the disagreement of the said arbitrators the decision of the umpire, shall be final and binding on all parties to the reference.

(6) The decision as to costs shall be at the discretion of the said arbitrator, arbitrators or umpire as the case may be.

(7) The award of the said arbitrator, arbitrators or umpire may be made a judgment or order of the High Court on application for that purpose made by any of the parties concerned.

(8) The High Court or one of the Judges thereof shall be competent to order persons other than the parties concerned in the arbitration to appear before the arbitrator or arbitrators to give evidence on oath or to produce documents having reference to the points in dispute and the disobedience of any such order shall be deemed and treated as contempt of the said Court: Provided that persons so ordered to appear shall be entitled to the same witness fees as witnesses summoned before the said Court in civil cases, and provided that no witness shall be compelled to give any evidence or to produce any document which he could not have been compelled to give or produce before the said Court.

Coloured persons on Public Diggings.

9. Every coloured person within the boundaries of a Public Digging must obtain a monthly pass from the Magistrate, in form to be prescribed by regulations made under the provisions of this Ordinance, on payment of

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one shilling, and in default thereof he shall on conviction be liable to a fine not exceeding five shillings or in default of payment to imprisonment with or without hard labour for a period not exceeding eight days:

Provided that coloured persons accompanying their masters who do not reside on the Digging or remaining on the Digging for not more than eight days with a pass from such masters and in their service shall not be subject to the provisions of this section.

PART II.

THE DEPARTMENT OF MINES.

Head of the Mines Department.

10. It shall be lawful for the Lieutenant-Governor to appoint an officer as the Head of the Mines Department and so many officers as his assistants and clerks as may be deemed expedient.

Inspector.

11. It shall be lawful for the Lieutenant-Governor from time to time to appoint Inspectors of Mines for such districts as he may deem fit. Such Inspectors shall be subordinate to the Head of the Mines Department whose instructions they shall obey.

On the appointment of such Inspectors the boundaries of the districts within which they shall respectively have authority shall be accurately defined and the same may from time to time be altered as may be deemed necessary by the Head of the Mines Department

Duties of Inspector.

12. Every Inspector shall supervise all Public Diggings within his district, and his duties shall be as follows:—

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(*a*) To collect or otherwise deal with such statistics as may be required.

(*b*) To attend to complaints made by diggers and to do all that may conduce to the general interest and to the furtherance of the prosperity of the diggings and of the sanitary conditions of the population therein.

(*c*) To determine the boundaries of the places where digging and prospecting may be forbidden under the provisions of this Ordinance or any regulations made thereunder.

(*d*) To keep such records and make such reports as may be required from time to time by the Head of the Mines Department.

(*e*) Generally to carry out the duties of an Inspector prescribed by this Ordinance or any regulation made thereunder.

Claim Inspector.

13. It shall be lawful for the Lieutenant-Governor if necessary to appoint one or more Claim Inspectors, and to make such regulations with regard to their duties as he may deem necessary.

Books to be kept by Magistrate.

14. In any district where prospecting is being carried on or where land is proclaimed a Public Digging the Magistrate of such district shall open such books and keep such records as are provided by this Ordinance or any regulations made thereunder. He shall also collect all direct Mining Taxes and issue claim and prospecting licenses and shall render monthly statements of accounts to the Colonial Treasurer.

Officer to relieve Magistrate.

15. It shall be lawful for the Lieutenant-Governor to appoint a special officer if necessary in any proclaimed

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area to relieve the Magistrate of the duties prescribed by this Ordinance.

Books to be open to inspection.

16. All mining books and records kept by the Magistrate shall be open to inspection by any person at all reasonable times on payment of a fee of one shilling and sixpence.

In the case of written information being supplied the fee in each case shall be five shillings.

PART III.

PROSPECTING.

Prospecting on private land.

17. Every landowner may by himself or his servants prospect on any land owned by him without a license on giving notice of his intention so to do to the Resident Magistrate; and any owner of such land prospecting thereon without giving such notice as aforesaid shall on conviction be liable to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

Penalty for prospecting without license.

18. No person not being an owner prospecting on his own land as aforesaid shall be entitled to prospect for precious metals on any land in this Colony without having first obtained a prospecting license from the Magistrate for the purpose of prospecting on such land. For every such license shall be paid a registration fee of five shillings and a monthly license fee of five shillings payable in advance in respect of each month. Any person not being an owner as aforesaid who shall prospect on any land without having first obtained a prospecting license as aforesaid in respect

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of such land or who shall at any time so prospect without having paid the license fee payable as aforesaid shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

License to prospect.

19. Any white person having obtained permission in writing from the owner or owners of any farm or piece of land to prospect thereon shall be entitled to obtain from the Magistrate a prospecting license. On such license shall be stated the period and area for which the same is granted, but such period shall not exceed the term (if any) stated in the aforesaid permission.

Six white persons may be employed by license-holder under one license.

20. Every such license shall entitle the holder thereof to employ six white persons besides coloured persons drawing wages for the purpose of prospecting on the said land without further license, but an additional license shall be required for every six additional white persons so employed: Provided that no such additional license shall entitle the prospector to any additional rights other than those which he holds by virtue of his original license; and provided further that no such white persons so employed shall acquire special rights under this Ordinance.

Inspection of prospecting on private land.

21. When the owner of private land either prospects himself or has given permission to any other person to prospect thereon the Head of the Mines Department or his deputy shall have the right to enter upon such land in order to inspect such prospecting:

Provided that nothing in this section shall be deemed to authorise the Inspector to demand the right of inspecting a drill core before it has been tested and examined by the person for whom the said core was obtained.

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Prospecting on Crown land.

22. (1) The Lieutenant-Governor shall have the power to grant to persons or companies applying therefor the right to prospect for precious metals on Crown land on such terms as he may deem fit to be embodied in a written agreement between the said prospector and the Government subject always to the provisions of this Ordinance and of the Lands Settlement Ordinance, 1902, or any law hereafter to be enacted in that behalf.

(2) In such agreement it shall be lawful for the Lieutenant-Governor to make provision for the granting of exclusive rights of prospecting on any portion of such Crown land and for the granting of claims not exceeding fifty-one and in addition to or substitution for such claims a mynpacht not exceeding one-tenth of the area of land over which prospecting rights are granted by the said agreement.

(3) Every such person or company shall before prospecting obtain from the Resident Magistrate a prospecting license on payment of the fees prescribed in section 18.

Prospecting rights cease on proclamation.

23. On the Proclamation of any area as a Public Digging all prospecting rights over the said area shall cease and determine and the prospector shall only be entitled to Discoverer's Claims hereinafter prescribed and his right as a member of the public.

Claimholders to assist in preserving the peace.

24. Every claimholder on any Public Digging shall when called upon by the Inspector or other officer locally entrusted with the preservation of peace and order assist

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such officer to preserve order on pain of forfeiture of his license.

Notice of discovery of precious metals.

25. (1) Every person who shall discover precious metals on any unproclaimed land shall give notice in writing of such discovery to the Inspector or the Magistrate.

(2) Any person who shall fail to give such notice within thirty days of such discovery shall on conviction be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six weeks.

(3) The Magistrate on receipt of any such notice shall forthwith forward the same to the Inspector.

(4) On receipt of any such notice the Inspector shall as soon as possible proceed to the locality and after examination of the reef, lode or deposit where such shall be possible shall report fully to the Head of the Mines Department.

(5) All reports or notices made under the provisions of this section shall be held to be strictly confidential.

False notice of discovery.

26. Any person giving notice in terms of the last preceding section with the intent to mislead another, well knowing such notice to be false, shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months.*

* See section 149.

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Salting.

27. Any person placing or causing to be placed any precious metal in any place with intent to mislead another person shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months.*

No prospecting permitted near buildings.

28. It shall not be lawful for any person by virtue of a prospector's license to prospect or dig for precious metals within a distance of two hundred yards of any existing house or building or on any cultivated land or land required for irrigation purposes except with the written permission of the owner of the said house, building or land. Any person contravening the provisions of this section shall on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Where prospecting is prohibited.

29. (1) Prospecting and mining shall be prohibited on such places as the Lieutenant-Governor may from time to time by notice in the *Gazette* exclude therefrom.

(2) It shall not be lawful without the consent of the Lieutenant-Governor to prospect or mine on any public squares, parks, streets, railways, roads, burial-grounds or public works or within two hundred yards of any surveyed erven of a recognised town or village.

(3) Any person contravening the provisions of this section shall on conviction be liable to a penalty not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

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* See section 149.

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PART IV.

PROCLAMATION AND EXPLOITATION OF A PUBLIC DIGGING.

Proclamation of Public Digging.

30. The Lieutenant-Governor on receiving a report from the Head of the Mines Department that precious metals have been found apparently in payable quantities on any private land or farm or any Crown land that has been prospected under the provisions of Part III hereof shall have the power to proclaim such land or farm a Public Digging.

It shall be competent for the Lieutenant-Governor from time to time to appoint a Board to consist of not less than five members to advise him as to the payability of precious metals discovered on any such land or farm as aforesaid and as to any other matters connected with such discovery and the value of the metals so discovered as he may deem fit.

Discoverer's and owner's rights in case of land not proclaimed.

31. Should the Lieutenant-Governor decide not to proclaim the land or farm mentioned in the last preceding section as a Public Digging the discoverer and owner of such land shall nevertheless be entitled to their respective mining rights thereon as hereinafter provided and to exploit the ground for mining purposes in like manner as if such land had been proclaimed:

Provided that it shall be lawful for the Lieutenant-Governor at any time to proclaim such land or farm a Public Digging should he deem it advisable in the public interest.

Notice to owner of intention to proclaim.

32. The Head of the Mines Department shall three months prior to the proclamation of any farm or piece of land as a Public Digging notify the owner thereof of the

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intention to proclaim so as to enable him to peg off his claims and cause his mynpacht to be surveyed.

Survey of land about to be proclaimed.

33. Any farm or land about to be proclaimed if previously unsurveyed shall be surveyed in accordance with the provisions of the Lands and Survey Ordinance, 1903, at the expense of the owner.

If owner fails to have land surveyed.

34. If any private land about to be proclaimed has not been surveyed by the owner in accordance with the last preceding section within two months of his having received notice to do so it shall be lawful for the Surveyor-General to cause the same to be surveyed at the said owner's expense.

Proclamation no guarantee of payability.

35. In no circumstances shall any responsibility attach to the Government by reason of the proclamation of a Public Digging in case such Digging should after the proclamation thereof prove to be or become unpayable.

Area of reef claim.

36. (1) Every reef claim on a Public Digging shall be in area sixty thousand square feet and shall whenever possible be of a rectangular shape in dimensions one hundred and fifty feet along the strike of the reef (that is to say, the direction in which the reef is ascertained or presumed to run) by four hundred feet across the said strike.

Area of alluvial claim.

(2) Every alluvial claim shall be in extent one hundred and fifty feet square or as nearly as possible the equivalent thereof.

Discoverer's rights on private land.

37. The discoverer of a reef of precious metals on private land being a duly licensed prospector in respect of such land shall before proclamation of the land on which he has discovered the said precious metals have the first right

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to peg off for himself a number of claims not exceeding in area one-twentieth part of the area of the land to be proclaimed, but in no case shall he be entitled to peg off more than seventy-five claims to be continuous in extent and as nearly as possible in the form of a rectangular block the length of which along the reef shall not be more than twice the breadth. Such claims shall be termed discoverer's claims and may be held and worked free of license-money so long as they remain the *bonâ fide* property of the discoverer.

The discoverer in addition to the rights conferred by this section shall be entitled to all the rights conferred on the public by this Ordinance with reference to the pegging of claims.

Discoverer's rights on Crown land.

38. (1) The discoverer of a reef of precious metals on Crown land being a duly authorised prospector under the provisions of section 22 in respect of such land shall before proclamation of the land on which he has discovered the said precious metals have the first right to peg off for himself the area whether as mynpacht or claims or both to which he may be entitled for mining purposes under the agreement mentioned in the said section.

(2) Any mynpacht so acquired shall be pegged off and held under the conditions hereinafter provided in respect of a mynpacht held under an owner's right.

(3) The said claims (if any) shall be pegged off as far as possible in a rectangular block the length of which along the reef shall not be more than twice the breadth. Such claims shall be subject to the usual monthly license fees.

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Owner's rights on private land to a mynpacht.

39. (1) The owner of a farm or piece of land not being land on which minerals are reserved to the Crown on which a reef of precious metals has been discovered shall before proclamation of such farm or piece of land as a Public Digging have the first right after the discoverer's claims have been pegged off to peg off for himself a mynpacht not exceeding in area one-tenth of the area of such farm or piece of land. Such mynpacht shall be taken if possible in the form of a rectangular block the length of which along the reef shall not be more than twice the breadth.

(2) No such mynpacht shall be so pegged off until a mynpacht license shall have been taken out by the said owner in respect thereof, or if so pegged off before such license has been taken out no rights shall accrue whatever from such pegging.

(3) Such license shall be granted by the Magistrate to the said owner on application by him or his duly authorised agent and payment of the fees hereinafter prescribed.

Renewal of mynpacht license.

40. The holder of such a mynpacht license shall at the expiration thereof have the right to renew the same for further periods not exceeding twenty years on giving notice in writing to the Head of the Mines Department of not less than one month before the expiration of such license.

A fee of ten shillings shall be charged for the registration of every mynpacht license on issue and renewal.

Mynpacht license fees.

41. A license fee at the rate of ten shillings per morgen per annum shall be paid in respect of each mynpacht by

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the holder thereof to the Magistrate on the date on which the said license is issued and thereafter on the first day of July in every year. Should payment not be made as aforesaid within three months after due date the Lieutenant-Governor shall have the right to declare the said mynpacht forfeited, and thereupon the said mynpacht if the area in which it is situated has been proclaimed shall after notification in the *Gazette* for a period of one month be open to the public for pegging off claims in the manner hereinafter provided or shall be put up to auction in claims as the Lieutenant-Governor may decide: Provided that the aforesaid provisions as to forfeiture shall not apply to mynpachts held under special registration under the provisions of Part VII hereof.

Transfer of mynpacht.

42. Mynpachts not held under special registration as aforesaid may be transferred either wholly or in part from one person to another on application to the Magistrate and on the payment of a fee of two pounds as transfer fee for the registration of the said transfer: Provided that no further fees or dues of any kind shall be payable in respect of such transfer.

Division of mynpacht.

43. On the division of a mynpacht the holders of portions thereof shall be deemed to be jointly and severally responsible to the Government for the payment of the whole of the moneys payable in respect of the original mynpacht license from the date on which the registration as aforesaid of the transfer of the portion accruing to them respectively was effected.

Owner's rights to claims.

44. The owner of a farm or piece of land on which a reef of precious metals has been discovered shall before the proclamation of such farm or land in addition to his mynpacht be entitled to peg off for himself after the dis-

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coverer's claims have been defined a block of claims not exceeding in area one-twentieth part of the area of the said farm or piece of land: Provided that in no case shall he be entitled to so peg off more than seventy-five claims.

Such claims shall be pegged off if possible in a rectangular block as described in section 38 and shall be subject to the usual license fees.

Discoverer's rights on alluvial fields on private land.

45. A prospector who discovers on private land an alluvial field of precious metals shall have the first right before proclamation to peg off for himself not more than twenty alluvial claims. Such claims may be held and worked free of license-money so long as they remain the *bonâ fide* property of the discoverer.

Discoverer's rights on alluvial fields on Crown land.

46. A prospector who discovers on Crown land an alluvial field of any precious metals shall be entitled to peg off for himself so many claims (in no case to exceed twenty-five) as may have been agreed upon between himself and the Government under the provisions of section 22 hereof.

Such claims may be held and worked free of license-money so long as they remain the *bonâ fide* property of the discoverer.

Owner's right on alluvial fields on private land.

47. The owner of a farm or piece of land not being land on which precious metals are reserved to the Crown, on which an alluvial field of any precious metals has been discovered shall before proclamation of such farm or piece of land as a Public Digging have the first right after the prospector's claims have been pegged off to peg off for himself not more than one hundred claims.

Such claims shall be free of license fees so long as they remain the *bonâ fide* property of the owner.

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Discoverer and owner to have in addition rights as members of public in alluvial fields.

48. The discoverer or owner as the case may be in the last three preceding sections mentioned shall enjoy all the rights of a member of the public in respect of such land in addition to his rights as discoverer or owner.

Owner's right to reserved areas.

49. (1) Whenever upon any area on which precious metals have been discovered there shall be in existence and effective use at the time of such discovery any homestead or other buildings, dams, wells, waterworks, burial-grounds, gardens, orchards or lands under irrigation, the owner of the land on which they are situate shall be entitled to beacon off and reserve from mining operations previous to the proclamation of the said area as a Public Digging such plots of land whereupon such homesteads or other improvements as aforesaid shall be situate as may be determined by agreement between the said owner and the Inspector;* and in case of dispute the matter shall be referred to the Head of the Mines Department whose decision as to the boundaries of such plots shall be final: Provided that in no case shall the area so reserved exceed one-twentieth part of the area to be proclaimed unless the sanction of the Lieutenant-Governor shall have been previously obtained.

No mining rights on reserved areas.

(2) The areas so reserved shall be subject to no mining rights whatever nor shall the owner thereof or any other person be entitled to carry on mining operations thereupon unless and until any such area or areas shall have

* See section 100.

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been expropriated under the provisions of the following sub-section.

Expropriation thereof.

(3) It shall be lawful for the Lieutenant-Governor at any time to expropriate for mining purposes any such area reserved as aforesaid, in which case the land so expropriated shall be deemed to be Crown land and shall be dealt with in like manner as is hereinafter provided for Crown land on which a Public Digging has been proclaimed.

In the event of expropriation as aforesaid such compensation shall be paid to the owner as may be mutually agreed upon or failing such agreement as may be determined by arbitration in manner hereinbefore provided: Provided that in determining the amount of such compensation the value of the surface rights only shall be considered.

Sale of expropriated reserved areas.

(4) Such area shall be sold by auction as hereinafter provided in section 52, and one-half the net proceeds of such sale shall be retained by the Government and one-half shall be paid to the said owner and of any license-money accruing to the Government from claims on the said land one-half shall be paid to the said owner.*

Resumption of ownership of alienated Crown lands.

50. Whenever the Government desires to proclaim as a Public Digging any land the mineral rights whereof are reserved to the Crown but the surface rights are private property the Government shall have the right to resume occupation and proprietorship of such land on the condi-

* See section 104.

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tions prescribed by the Lands Settlement Ordinance, 1902.

Owner of alienated Crown land to have special rights to claims.

51. In addition to any compensation for the expropriation of his surface rights payable to the owner of such land under the said conditions the said owner shall have the first right to peg off for himself after any prospector's rights have been satisfied twelve reef claims in the form if possible of a rectangular figure the length of which along the reef shall not be more than twice its breadth or six alluvial claims as the case may be.

Such claims shall be subject to the license fees provided in this Ordinance for such claims respectively.

After proclamation of Public Digging.

52. After proclamation of any land as a Public Digging and after prospectors' and owners' rights as provided by this Ordinance have been satisfied the land comprising the remainder of the proclaimed area shall be disposed of in the following manner:—

Private land to be thrown open.

(*a*) In the case of private land on a date to be mentioned in the Proclamation such date not to be earlier than thirty days after the first publication thereof in the *Gazette* the said land shall be thrown open to the public to peg off claims under the provisions of this Ordinance and any regulations that may be framed thereunder in that behalf.*

Crown land to be sold in claims

(*b*) In the case of Crown land on a date to be mentioned in the Proclamation such date not to be earlier than thirty days after the first publication thereof in the *Gazette* the Government having previously caused the claims on such land to be surveyed by an authorised surveyor shall dispose of the said claims by auction in blocks of not more

* See section 54.

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than one hundred reef claims or more than six alluvial claims.

List of persons desiring prior right to pegging.

53. (1) On the issue of any prospector's license the Magistrate shall cause to be affixed to the notice board outside his office and to be published in the *Gazette* and in a newspaper circulating in his district a notification that on the expiration of thirty days from the date of issue of the said license a list will be framed in the said office in respect to the land to be pegged, wherein every person of European descent over the age of eighteen years who desires to acquire a prior right in the issue of claim licenses and in pegging in respect of such land shall be entitled to enter his name.*

Who may peg.

(2) Every such person shall sign his name in the said list immediately below the person who signed before him and shall to such signature affix a stamp of twenty shillings to be cancelled by the Magistrate.

(3) In case such farm or area shall be proclaimed a Public Digging such persons shall have the prior right to obtain claim licenses in the order in which their signatures appear in the said lists entitling them to peg claims thereon.

(4) Any list existing at the time of the coming into operation of this Ordinance by virtue of Article 6 of Chapter CXV of the Law Book shall be deemed to be a list framed under the provisions of this section.

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* See section 55.

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54. In case of any land thrown open to the public under the provisions of sub-section (*a*) of section 52, the following provisions shall apply:—

(1) Every person who shall have obtained a claim license from the Magistrate shall be entitled to peg off on such land the number of claims mentioned in such license not exceeding fifty reef claims or three alluvial claims as the case may be: Provided that no person shall be entitled to peg off any claim unless he shall have the said license with him on the land itself for production to the Inspector when called upon.*

(2) Such license shall be issued by the Magistrate to persons of European descent and over the age of eighteen years on payment of a license fee of five shillings per claim and of a registration fee of five shillings for every claim or block of claims issued to one holder and shall specify the number of claims which the holder thereof shall be entitled to peg off.

(3) Such licenses shall be issued to applicants in person only and in no case to persons applying on behalf of others under power of attorney or otherwise.

(4) After the total area of the claims in respect of which licenses have been issued shall appear to the Magistrate to be equivalent to the area of land so thrown open to the public no further licenses save as hereinafter provided in respect of such land shall be issued.

* See section 83.

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Order in which claim licenses are issued.

55. The said licenses shall be issued by the Magistrate at his office on the day before the date mentioned in the Proclamation and at an hour to be specified therein to properly qualified persons applying therefor at the said date and hour: Provided that such persons then present whose names shall appear in the list mentioned in section 53 shall be entitled to obtain their licenses first in the order in which their names appear therein.

Issue of further licenses in case the whole area is not pegged off.

56. (1) In case at any time after the expiration of one week from the date aforesaid (except as hereinafter provided) it shall appear that any land within the proclaimed area thrown open as aforesaid shall not have been pegged off, it shall be lawful for the Magistrate after notice of not less than two weeks published in the *Gazette* and posted on the door of the Court House to appoint a day for the issue of further licenses in respect of such land in manner hereinafter provided.

(2) At such issue any persons whose names may appear in the list aforesaid and to whom no licenses have been issued shall have the first right to obtain licenses in the order in which their names appear in the said list, but thereafter no further special rights shall accrue to any persons by reason of their names so appearing.

(3) Thereafter in case of any land in the said area which has not been pegged off under the foregoing provisions, it shall be lawful for any qualified person at any time to obtain on application to the Magistrate and the payment of

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the prescribed fees claim licenses entitling him to peg off claims on the said land.*

Refund of license money where too many licenses issued.

57. In case any licenses be issued by the Magistrate for claims or portions of claims in excess of the area proclaimed the persons to whom such licenses shall have been issued and who have been unable to peg off claims shall be entitled to a refund of their license-money, but shall have no other claim against the Government.

Times when pegging is illegal.

58. Subject to the provisions of the last preceding sections it shall be lawful for any person entitled to peg off land under the provisions of this Ordinance to do so at any time except on Sundays or Public Holidays and between sunset and sunrise. Pegging off on the days or times so excepted shall be deemed illegal and no right whatever shall arise therefrom.

Claim license fees.

59. On every such license so issued and on every claim license issued under the provisions of this Ordinance save as otherwise herein provided a license fee shall be payable each month in advance. The amount of such fee shall be in respect of every reef claim five shillings and in respect of every alluvial claim twenty shillings.†

Penalty for pegging without a license.

60. It shall not be lawful for any person to peg off or attempt to peg off any claim on any Public Diggings unless he has first obtained a claim license as hereinbefore provided. Any person contravening the provisions of this section shall on conviction be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding four months.

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* See section 83.
† See section 61.

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License fee on developed claim.

61. Whenever any reef claim situated on any mining property from which ore has been crushed by machinery for the purpose of extracting precious metals shall have been developed the monthly license fee payable in respect of such claim shall be twenty shillings instead of five shillings and such fee shall be payable each month in advance: Provided that as soon as it is shown to the satisfaction of the Inspector that any such claims have been worked out the license fee payable in respect thereof shall be five shillings only.

Alluvial deposits discovered on reef claim.

62. In case an alluvial deposit bearing precious metals be discovered on land already held as reef claims or mynpacht the provisions of this Ordinance with reference to the proclamation of the said deposit as an alluvial digging and the respective rights of the owner, discoverer and the public with reference thereto shall, subject to the provisions of the next two succeeding sections, apply to such alluvial deposit in like manner as if the said land had not been held as aforesaid; nor shall the holder of such reef claims or mynpacht save as hereinafter provided be entitled to any special rights with reference to such deposit by reason of his holding such reef claim or mynpacht.

Alluvial claims therein not to be pegged off without claimholders' consent.

63. No person shall be entitled to peg off any alluvial claim on land already held by any other person as reef claims or mynpacht unless he has previously obtained the written consent of the holder thereof or unless he has deposited with the Resident Magistrate a sufficient sum of money or a security which in the opinion of the Inspector of Mines for the district is sufficient to cover any possible direct damage or loss which may be caused to the said holder of the reef claims or mynpacht in respect of the working thereof.

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Such alluvial claims not to be in vicinity of reef workings.

64. No person shall be entitled to peg off any alluvial claim on land already held as reef claims or mynpacht within three hundred yards of any shaft, open working, dumping ground, dam, slime or cyanide plant, battery or any other building or machinery used by the holder of the said reef claims or mynpacht for the purpose of exploiting the same unless the written consent of the said holder has been previously obtained.

Claim license fees if unpaid to be doubled.

65. Whenever the fee payable for any reef claim license remains unpaid at the expiration of the month for which payment was due in advance the amount of such fee shall be doubled; and in case any such fee remains unpaid at the expiration of two months from the date when payment thereof became due the claim or claims in respect of which such payment was due as aforesaid shall be declared forfeited unless sufficient reason for the non-payment of such fees be shown to the satisfaction of the Head of the Mines Department. Should such reason be shown the Head of the Mines Department shall cause the license to be reissued on the payment of treble the usual fees: Provided always that the provisions of this section shall not apply in respect of claims held under a certificate of special registration as hereinafter provided in Part VII hereof.

Claim license-moneys to be divided between owner and Government.

66. All claim-license moneys collected by the Government in respect of private land shall be divided equally between the owner of the farm or piece of land on which the claims are situated and the Government.

All such moneys collected in respect of Crown lands including land on which precious metals have been reserved to the Crown shall accrue to the Government.

Residential stands on alluvial diggings.

67. Every registered holder of an alluvial claim on a Public Digging shall while working his claim be entitled to

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the use and occupation without extra payment of a piece of land on the said Digging for the purpose of a residence. The said piece of land shall be selected by the Inspector in consultation with the owner of the land.

Right to erect machinery and buildings on mining property.

68. The holder of a reef claim, water right or mynpacht on a Public Digging shall have the right to erect thereon such machinery, buildings, dams and other works as are necessary for the proper working of precious metals and the housing of the persons employed in such working, but such right shall not extend to the erection of buildings for trading purposes.

Any buildings or machinery so erected whether permanently attached to the soil or not shall be the property of the said holder and may be disposed of and removed by him or the person to whom he has disposed of the same at any time during his tenure of the said claim, water right or mynpacht, or within thirty days after he has ceased to be the holder thereof.

Right of way to mining property.

69. Every such claim or mynpacht shall be subject to such right of way and access to and from other portions of the said Public Digging as the Head of the Mines Department may deem necessary.

Right of Government to erect public buildings.

70. The Government shall have the right to use the surface of any Public Digging for the erection of any necessary Government buildings or the construction of public roads or for any public purpose.

The position of such buildings and roads shall be determined by the Inspector and the land whereon the same are situated shall be properly beaconed off and reserved from mining operations: Provided that no such buildings or roads shall be erected or constructed on any

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site which may interfere with any existing mining operations on the said Public Digging.

Buildings to remain the property of the Government.

71. The said buildings shall always remain the property of the Government and in case of the deproclamation of the said Public Digging it shall be lawful for the Government to expropriate the land on which the said buildings are erected on payment of such compensation to the owner of the land as may be mutually agreed upon or failing such agreement as may be determined by arbitration in manner hereinbefore provided or to remove the said buildings without compensation to the owner of the land.

Deproclamation of a Public Digging.

72. It shall be lawful for the Lieutenant-Governor by proclamation in the *Gazette* to revoke the proclamation of a Public Digging or any part thereof if on such Digging or such part as the case may be,

(1) The number of registered claims held under license at any time be less than a number computed in proportion of one claim to every twenty morgen of land; and

(2) It appears to the Head of the Mines Department that no precious metal is being found in payable quantities:

Provided that such deproclamation shall not affect any right to claims held under license on which the fees have been duly paid or any existing right to machinery or business stands, mining water rights or other surface rights granted under the provisions of this Ordinance.

Expropriation of claims on deproclamation.

73. It shall be lawful for the Lieutenant-Governor to expropriate any claim held under license at the time of such deproclamation on payment of such compensation as may be agreed upon to the holder thereof or failing such

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agreement as may be determined by arbitration in manner hereinbefore provided.

Diagram of claims to be deposited by holder.

74. (1) Every holder of a reef claim or a block of reef claims shall deposit with the Magistrate in triplicate within six months after the date of issue of the first claim license for the said claim or claims a surveyor's diagram of the said claim or claims duly approved by the Surveyor-General bearing a stamp of the value of ten shillings.

(2) Such diagram shall be framed in accordance with the provisions of the Lands and Survey Ordinance, 1903, and any regulations made thereunder and shall show the boundaries of all claims in faint red lines.

Extension of time for deposit of diagram.

75. The period within which the diagram referred to in the last preceding section must be deposited may for well-founded reasons be extended by the Head of the Mines Department on application made to him by the claimholder setting forth such reasons before the expiration of the said period of six months.

Penalty for failing to deposit diagram.

76. Every claimholder who fails to deposit such diagram with the Magistrate within the period prescribed in the last two preceding sections as the case may be shall be liable on conviction to a fine not exceeding fifteen pounds or in default of payment to forfeiture of the claims held by him.

In case claimholder has pegged off more land than he is entitled to.

77. If when any claim or block of claims has been surveyed as hereinbefore provided it shall be found that the claimholder has pegged off a greater area than that to which he is entitled by virtue of the license held by

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him, such claimholder shall take out a further license for the surplus area so pegged off and shall in respect of such further license pay double the usual registration fee in addition to the regular monthly license fees calculated from the date of the original license: Provided always that the total area of land so held by him shall in no case exceed the maximum area which under the provisions of this Ordinance he may have been entitled to peg off together with an area not exceeding one-tenth of the same. Any land pegged off as aforesaid in excess of the said total area so held shall be deemed to be open to the public for pegging in accordance with the provisions of this Ordinance.

Right of public to peg off lands originally pegged in excess.

78. In case any person shall have pegged off as reef claims a greater area of land than that to which he is entitled by virtue of the license taken out by him it shall be lawful at any time prior to the deposit of the diagram with respect to such area as hereinbefore provided for any other person holding a claim license to peg off afresh in claims so much of such surplus area as his license entitles him: Provided always that

(*a*) Of such surplus area such claims only shall be pegged off as adjoin one another on the outside boundaries of the block already pegged off.

(*b*) No such claims shall be pegged off on such parts of the land as have actually been worked for mining purposes or in such a manner as to interfere with the existing mining operations of the original holder.

Notice to Magistrate in case of second pegging.

79. Within forty-eight hours after pegging off afresh such surplus claims as aforesaid the second pegger shall give notice of such pegging to the Magistrate and to the

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original holder of the said claims and shall within twenty-one days after the date of such notice deposit with the Magistrate a surveyor's diagram of the whole block of claims showing both the claims so pegged off by him and the exact position of the claims held by the original pegger. The Magistrate may thereupon if satisfied that the land originally pegged was in excess of the area to which the original pegger was entitled as aforesaid and that the claims pegged off afresh do not exceed the said surplus award the claims so pegged off to the second pegger. An appeal from the decision of the Magistrate may be made within fourteen days to the Head of the Mines Department whose decision shall be final.

How claims must be peggod off.

80. (1) A reef claim shall not be deemed to have been lawfully pegged off until the holder of the license has himself or in the presence and with the assistance of other persons placed a peg not less than twenty-four inches long and two inches thick at each corner.

(2) Such pegs shall be sufficient indication of the pegging of any such claim for one month from the date of pegging, but at the expiration of the said period substantial stone beacons shall be built at each corner of the claim or in cases of blocks of claims at each outside corner of the block. If in the latter case the beacons are not visible one from the other, line beacons shall be erected along the boundaries of the block in such manner that adjoining beacons may be seen one from the other.

(3) Each such corner beacon shall bear a board at least twelve inches square on which shall be painted in plain lettering the official number

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of each claim and the name of the holder or holders and the date of pegging.

(4) In case any claimholder fails to erect such beacons at the time specified or to affix such boards as aforesaid he shall be liable on conviction for each offence to a fine not exceeding one pound or in default of payment to imprisonment with or without hard labour for a period not exceeding fourteen days.

Sketch plan to be filed with Magistrate.

81. Every person who shall peg off any claim under the provisions of this Ordinance shall within three days after such pegging report the same to the Magistrate, and shall file with him a sketch plan showing as nearly as may be the situation of such claim and such other particulars as may be prescribed by regulations. On failure to comply with the provisions of this section such area shall be deemed open ground for pegging by any person entitled to do so.

Transfer of claims.

82. It shall be lawful for the holder of a claim or claims or a portion of a claim not held under special registration as provided for in Part VII of this Ordinance on application to the Magistrate to transfer his claim or claims or portion of a claim to any person. Such transfer shall be registered by the Resident Magistrate on payment of a registration fee of five shillings per claim: Provided always that in the case of reef claims a surveyor's diagram of the claim or claims or portion thereof to be transferred has been deposited with the Resident Magistrate.

Provisions as to the maximum number of claims which any person is entitled to hold.

83. No person save as hereinafter provided whether discoverer, owner or member of the public as the case may be shall be entitled to peg off on any one Public

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Digging or proclaimed extension thereof more claims than the number to which he is respectively entitled under the foregoing provisions of this Ordinance: Provided that

(*a*) In case any person who has legally pegged off any number of claims shall have parted with the same or any of them by transfer under the provisions of this Ordinance he shall be entitled to peg off on any land duly open for pegging on the said Digging any number of claims which together with the number pegged off as aforesaid which he still holds shall not exceed fifty.

(*b*) In case any land in the said Digging remains unpegged within sixty days after the date of the notice mentioned in section 56 it shall be lawful for any person whether he has pegged off the maximum area to which he is entitled as aforesaid or not to peg off any number of claims not exceeding fifty on the said land.

(*c*) In case any claimholder desires to abandon any claim he shall be entitled to do so provided he makes application to the Magistrate and at the same time files with him a surveyor's diagram duly approved by the Surveyor-General and bearing a stamp of ten shillings showing any claims in the same mining property not so abandoned, and thereupon the Magistrate shall by notice in the *Gazette* declare the said claim to be abandoned and thirty days after the date of the said notice any such claims shall be open for pegging by any person entitled to do so. In such case the said claimholder shall be entitled to peg off on any land duly open for pegging

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any number of claims which together with the number which he still retains shall not exceed fifty.

Number of claims acquired by transfer unlimited.

84. Nothing in this Ordinance to the contrary shall prohibit any person from holding by transfer as many claims as he may wish, provided always that such transfer has been duly registered by the Resident Magistrate.

Provisions in case of forfeiture of claims.

85. In case any reef claim be declared to be forfeited under this Ordinance the following provisions shall apply :—

(*a*) The Resident Magistrate shall cause such claim to be put up for sale at public auction at a date of which he shall give notice of not less than thirty days in the *Gazette*.

(*b*) Out of the proceeds of such sale all moneys due to the Government shall first be paid including the expenses of the sale. The balance shall be divided equally between the Government and the owner of the land on which such claim is situate.

(*c*) Every claim so sold shall be subject to the payment of the usual license and registration fees and all the provisions of this Ordinance with respect to reef claims shall apply thereto.

(*d*) In case at such sale no bid is made for any such claim the Resident Magistrate shall by notice in the *Gazette* declare the same to be open ground and thirty days after the date of such notice the said land may be again pegged by any person duly entitled to do so.

Extension of time of payment in case of a deceased claimholder.

86. Reef claims belonging to the estate of a deceased person shall not be declared to be forfeited unless the

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executor fails to comply with the provisions of this Ordinance within thirty days after the receipt of his appointment on the confirmation thereof by the Master of the High Court and on compliance within such time no fine shall be imposed for late payment.

Forfeited alluvial claims may be repegged.

87. Any alluvial claims that may be declared to be forfeited shall be considered open ground and may be pegged by any person under the provisions of this Ordinance.

Double fees if claims not properly worked.

88. Should it at any time appear to the Head of the Mines Department that a claimholder is not properly working his claim or claims as such it shall be lawful for him to give the said claimholder written notice that unless he prospects or develops at least one claim within three months from the date of such notice the license fee for all claims held by such claimholder will be doubled until such proper prospecting or development is carried on.*

Forfeiture of claims if double fees remain unpaid.

89. Should the claimholder mentioned in the last preceding section refuse or fail to pay the extra license fee the Head of the Mines Department may declare the claims held by such holder to be forfeited.†

Right to construct roadways and waterways in Public Diggings.

90. (1) Whenever any claimholder or holder of a mynpacht desires within any Public Diggings to lay down on any land not being a reserved area nor held by him or any other person as a mining right any pipe or other conduit for the purpose of leading water to his mining plant or to construct a road, tramway or aerial railway for the purpose of conveying ore or other

* See section 109.
† See section 109.

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material or goods between his claims or mynpacht and the apparatus erected for treating such ore, or to lay wires or other conductors for the transmission of electricity for mining purposes, it shall be lawful for the Head of the Mines Department on application in writing to grant permission to such person for such construction on such conditions and under such regulations as he may deem necessary subject to the provisions of this Ordinance.

(2) In case it is desired to construct as aforesaid any such pipes, conduits, roads, tramways or aerial railways, wires or conductors across or over any claims, mynpachts, water-courses, pipes, streets, railways, aerial railways, tramways or stands belonging to other persons the applicant shall file with the Head of the Mines Department his application for permission and shall publish the same in the *Gazette* and in one or more newspapers locally circulating weekly for a period of one month.

(3) Any person who has any objection to such works being constructed or desires to claim compensation for damage arising from such construction shall file such objection or notice of claim for compensation with the Head of the Mines Department within two months of the first publication in the *Gazette* of the said application in default whereof no such objection or claim for compensation shall be considered.

(4) The amount of such compensation (if any) shall be determined by mutual agreement between

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the parties or failing such agreement by arbitration in manner hereinbefore provided.

(5) Any person constructing or laying any such pipes, conduits, roads, tramways or aerial railways, wires or conductors on any Public Digging or across or over any land not held by him as claims or mynpachts without having first obtained the permission of the Head of the Mines Department as aforesaid shall on conviction be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months without prejudice to any claims for compensation as aforesaid.

Stamp on application for such right.

91. Every written application made under the last preceding section shall bear a stamp of five shillings.

Diggers' Committee on alluvial diggings.

92. It shall at all times be lawful for the Lieutenant-Governor to make such rules and regulations for the election of a Diggers' Committee for any alluvial digging or portion thereof as he may deem fit and to define from time to time as occasion may require the duties, powers, functions and authorities of such Diggers' Committee and to make rules for the guidance of the same.

The Inspector shall be *ex officio* chairman of the Committee.

Should no such Committee be elected or should a Committee cease to exist the Inspector shall have the power to carry out the duties of such Committee.

Diggers' Committee for one or more diggings.

93. The Lieutenant-Governor may direct that one Diggers' Committee shall be elected for one or more alluvial diggings as he may deem advisable and in such manner as he may deem fit.

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Dissolution of Committee.

94. The Lieutenant-Governor may at any time direct that any Diggers' Committee shall be abolished or dissolved.

Right to obtain explosives for mining purposes.

95. Notwithstanding any provisions of law to the contrary it shall be lawful for the Resident Magistrate to issue to a licensed prospector or to a person holding claims or a mynpacht a permit entitling him to purchase explosives up to but not exceeding one hundred pounds in weight per week to be used for *bonâ fide* prospecting or mining purposes only. On each such permit a stamp fee of one shilling shall be charged.

Penalty for use of such explosives for other than mining purposes.

96. Any prospector or person mentioned in the last preceding section who shall use or dispose of explosives so obtained for any other purpose than prospecting or mining shall on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Special provisions for farm Lindequesfontein.

97. Notwithstanding anything in this Ordinance to the contrary the following provisions shall apply to the farm Lindequesfontein Noord No. 227, in extent 2239 morgen 590 roods, district Vredefort:—

(1) The owner of the said farm so long as he retains the mineral rights thereof or any person to whom he shall hereafter transfer the said farm or the mineral rights thereof and their respective heirs or assigns shall be entitled to the sole right to prospect and mine for gold on the said farm without license, nor shall the said farm be proclaimed a Public Digging if and so long as the said owner or transferee or their respective heirs or assigns continue to comply with the conditions set forth in the following sub-sections.

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(2) The said owner or transferee shall pay to the Magistrate monthly in advance a sum equivalent to a tax of five shillings per claim on an area of one hundred claims in the said farm.

(3) In case the said owner or transferee shall at any time prospect and prove the existence of gold-bearing reefs on any portion of the said farm in addition to and beyond any minimum area of one hundred gold-bearing claims as aforesaid he shall pay monthly in advance a tax of five shillings per claim for every such additional claim so prospected or worked which in the opinion of the Head of the Mines Department shall be proved to be gold bearing. In case of dispute as to whether the said claim or claims be gold bearing as aforesaid or not the matter shall be decided by arbitration in the manner hereinbefore provided: Provided always that it shall be lawful for the said owner or transferee by notice to the Magistrate to abandon all or any of the said claims, provided that he continues to pay the said taxes on the said minimum area of one hundred claims and on any additional claims as aforesaid not abandoned by him.

(4) In case at any time the said owner or transferee fail to pay any taxes due under sub-sections (2) and (3) hereof for two successive months the Head of the Mines Department may by notice in the *Gazette* declare that unless the said tax be paid within one month of the date of the said notice all rights acquired by the owner or transferee under this section shall cease and determine, in which event the said farm shall fall under the general provisions of this Ordinance.

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(5) No transfer of any portion or portions of the mining rights on the said farm shall be lawful or effectual unless the said transfer be registered by the Magistrate. In any such transfer the area whereon the mining rights are transferred shall be stated in terms of claims, and such claims so transferred shall be subject to the said tax of five shillings and to the conditions set forth in sub-section (4) in case of non-payment, and all other rights of transfer and special registration set forth elsewhere in this Ordinance shall apply thereto.

(6) All the provisions of this Ordinance save such as are repugnant to the foregoing sub-sections of this section shall apply to the said farm.

PART V.

SURFACE AND WATER RIGHTS.

98. It shall be lawful for every holder of a claim or mynpacht to enclose at his own expense from time to time any such area upon any land within the boundaries of a Public Digging held by him by virtue of any right granted under the provisions of this Ordinance as the Inspector may deem necessary for the erection, construction and maintenance of any plant, buildings or other works required for the proper working of his claims or mynpacht and the housing of persons employed by him for that purpose. The surface rights of all land so enclosed shall be deemed to be the property of the said holder so long as the said plant, buildings or works are employed for no other purposes than those for which they were constructed.

Right to enclose land for buildings or machinery.

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Surface rights of owner.

99. The owner of the land on which any Public Digging is proclaimed shall notwithstanding the acquisition of the same for mining purposes retain the surface rights thereupon except in respect of land enclosed under the provisions of the last preceding section and subject to all provisions with reference to water rights and all other rights in respect of the said land granted under the provisions of this Ordinance.

Water rights of owner.

100. The owner of the land on which any Public Digging is proclaimed shall have the right to take or lead from any river, stream or other natural water-course or any pond, pool, fountain or other natural source upon the said Digging, or from any dam, well, reservoir or other artificial source thereupon constructed prior to the proclamation of the said Digging such water only as may be required by him for domestic or agricultural purposes and for watering his stock: Provided that it shall not be lawful for any such owner without having obtained the consent of the Inspector to construct or lay any dam, pipe, waterfurrow or other conduit upon or across any portion of the proclaimed area subsequent to the proclamation thereof except upon any land reserved for him under the provisions of section 49.

Rights of holder of mining property to use of water from natural sources.

101. Subject to the rights of the owner in the last preceding section mentioned the right of user of any water derived from natural sources upon the proclaimed area shall accrue to the owners of claims or mynpachts thereon for mining or domestic purposes only in such proportions as may be determined by the Inspector.

Right to lead water for mining purposes.

102. It shall be lawful for the holder of a claim, block of claims or mynpacht to construct upon any claim or mynpacht held by him any dam, well or bore and to lead water therefrom by any pipe or other conduit to the mining plant

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or other buildings erected for mining purposes on the said claims or mynpacht.

Mining water rights.

103. In case any holder of a claim, block of claims or mynpacht shall desire to construct any dam, well, bore or pumping station for the purpose of obtaining water for the proper working of such claims or mynpacht on any land within the proclaimed area not held as a claim, mynpacht, stand or area reserved under section 49 hereof it shall be lawful for him to make application in writing to the Resident Magistrate for the right to the user of the land necessary for such construction (hereinafter termed a mining water right) and in such case the following provisions shall apply:—

(1) Every such application shall bear a stamp of five shillings and shall be accompanied by a surveyor's diagram in quadruplicate duly approved by the Surveyor-General, bearing a stamp of ten shillings, of the land to be acquired as aforesaid framed in accordance with the regulations made under the provisions of the Lands and Survey Ordinance, 1903, and in such form as may from time to time be prescribed by the Head of the Mines Department.

(2) Every such application together with the aforesaid plans shall be open for inspection at all reasonable times at the office of the Magistrate for a period of one month after the deposit thereof and during the said period notice thereof shall be published by the applicant three times in the *Gazette* and at least once in any newspaper locally circulating and such notice shall be in the form to be prescribed by the Head of the Mines Department and issued by the Resident Magistrate.

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(3) It shall be lawful for any person who desires to lodge objections to the granting of the said application to deposit any such objection in writing with the Magistrate at any time during the period aforesaid on payment of a fee of five shillings to be affixed in stamps to each such objection.

(4) On the expiration of the said period the Magistrate shall if no objection has been lodged and no more than one application be made for the same mining water right and subject to the Inspector's recommendation grant such application. If any objection be lodged as aforesaid or if more than one person apply for the same water right the Resident Magistrate shall appoint a day for the hearing of the parties concerned and may refuse any such application or subject to the Inspector's recommendation grant the same as he may think fit.

(5) In case such application be granted the mining water right so acquired shall be deemed to be attached to the claim, block of claims or mynpacht mentioned in the said application.

(6) It shall be lawful for any of the parties interested to appeal from the aforesaid decision of the Magistrate or Inspector within fourteen days thereafter to the Head of the Mines Department whose decision shall be final.

(7) All mining water rights so granted shall be subject to the confirmation of the Head of the Mines Department and on the decision of the Magistrate having been given copies of all documents connected therewith including copies of the applica-

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tion, the plans, the objections (if any) and the reports of the Inspector and the Magistrate shall forthwith be transmitted to the Head of the Mines Department and no such grant shall be valid until confirmed by him.

In the event of any holder of a claim, block of claims or mynpacht acquiring the right to water on any farm other than that on which the said claim, block of claims or mynpacht are situated, he shall be entitled to lead such water thereto by pipes, ducts, furrows or otherwise from and over any farm, to whomsoever it may belong, after giving notice in writing to the owner or occupier of the farm over which it is desired to exercise such right and on payment to such owner or occupier of such compensation as may be mutually agreed upon or failing such agreement as may be determined by arbitration in manner hereinbefore provided.

Mining prohibited on land held under a mining water right.

104. Whenever any such mining water right shall have been granted as aforesaid no person shall be entitled to mine upon the land over which such right extends or to make any other use of the said land than that for which the user of the same has been granted: Provided that it shall be lawful for the Lieutenant-Governor whenever it may be deemed necessary to expropriate and dispose of the said land for mining purposes under the same conditions *mutatis mutandis* as are hereinbefore provided in section 49 for the expropriation of reserved areas.

Transfer of mining water right with mining property.

105. In case of the transfer of the claims or mynpacht to which any mining water right is attached, the said water right shall be deemed to have been transferred together with the said claims or mynpacht.

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Attachment of mining water right to other mining property.

106. It shall be lawful for the holder of any claims or mynpacht to which any mining water right is attached

(*a*) To attach the said water right to any other claim or claims or mynpacht held by him on the same Digging on application to the Magistrate and payment of a registration fee of forty shillings.

(*b*) To transfer the said water right to any other holder of claims or mynpacht on the same Digging to be attached thereto on application to the Magistrate and on payment by the transferee of a registration fee of forty shillings.

Attachment of mining water right in case of abandonment of mining property.

107. In case of the forfeiture or abandonment of any claim, block of claims or mynpacht to which any mining water right has been attached it shall be lawful for the last holder thereof on application to the Magistrate within one month of the said forfeiture or abandonment and on payment of a registration fee of forty shillings to attach the said water right to any other claims or mynpachts held by him on the same Digging.

Lapse of mining water right.

108. In case no such application be made as aforesaid the said mining water right shall be deemed to have lapsed and determined.

Lapse of mining water right in case of non-working of mining property.

109. Should it at any time appear to the Inspector that the holder of any claim, claims* or mynpacht to which any mining water right is attached is not properly working for mining purposes at least one of the said claims or a portion of the said mynpacht as the case may be he shall give notice to the said holder calling upon him to show cause on a certain day at least three months after the date of such notice why the said claim or mynpacht is not

* See sections 88 and 89.

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being worked as aforesaid. If on the day so fixed it shall appear to the Inspector that the claim, claims or mynpacht to which such water right is then attached is still unworked as aforesaid he shall forward a full report of the matter including full minutes of the proceedings at such meeting to the Head of the Mines Department who may thereupon declare that the said water right has lapsed: Provided that it shall be lawful for the said holder to bring the decision of the Head of the Mines Department within one month of the declaration thereof in review before the High Court.

No dam to be erected in a running stream.

110. No owner of a claim or mynpacht shall have the right to erect any dam or weir in any river or natural running water-course without having obtained a mining water right as aforesaid.

No liability for fouling rivers.

111. Owners and occupiers of land along a river or other water-course shall have no right of action against the Government or any Mining Company or against any gold diggers or persons engaged in exploiting or developing alluvial claims for precious metals according to law for compensation for making the water in the said rivers or water-courses turbid or muddy whilst using the same for mining purposes: Provided always that the Inspector or Diggers' Committee shall have granted permission for such use.

Bridges to be erected across water-furrows.

112. Any person constructing a water-furrow on any Public Digging across a road or footpath in actual use must build a safe bridge across it and failing to do so the Inspector may cause the said furrow to be filled up at the expense of the said person and the offender shall further on conviction be liable to a fine not exceeding ten pounds sterling or in default of payment thereof to imprisonment for a period not exceeding fourteen days.

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PART VI.

RIGHT TO WOOD.

Owner may dispose of wood.

113. All wood growing on a Public Digging with the exception of trees or bushes planted subsequent to the proclamation in the areas enclosed under the provisions of section 98 shall belong to the owner of the land or farm on which such Digging is situate who shall have the right of disposing of it as he thinks fit.

Holder may cut down wood that interferes with development.

114. Any wood growing on a claim that interferes with the proper development thereof may be cut down by the holder of the said claim but the wood shall remain the property of the owner of the land or farm.

PART VII.

SPECIAL REGISTRATION.

Certificate of special registration.

115. It shall be lawful for every holder of a mynpacht or claim or parts thereof to obtain on application to the Resident Magistrate a certificate of special registration of his mynpacht or claim or parts thereof together with any mining water rights, rights of way, rights of leading water, machinery stands or any other rights or servitudes which he may hold in connection with the mynpachts or claims or parts thereof and on such application being made the following provisions shall apply:—

(1) Every such application shall bear a stamp of five shillings and shall be accompanied by a surveyor's

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diagram in triplicate confirmed by the Surveyor-General and bearing a stamp of ten shillings for obtaining all the rights as aforesaid to which the applicant is entitled.

(2) The Magistrate on receipt of any such application shall give notice once a week in the *Gazette* and in any newspaper locally circulating for a period of three months that such an application has been made and that the said application and diagram lie at his office for inspection.

(3) At the expiration of the said notice the Magistrate after consultation with the Inspector may grant the application provided that he is satisfied that the said application is in order and that no notice of objection has been lodged within the said period.

(4) Every notice of objection shall be in writing and shall clearly set forth the grounds of such objection and shall bear a stamp of five shillings.

(5) Should such notice of objection be lodged with the Magistrate within the said period he shall appoint a day for the hearing of the applicant and objector and their witnesses and at such hearing shall award the said right to the person who in his opinion is entitled to the same and may make such decision as to costs as he may think fit.

(6) The decision of the Magistrate shall be subject to an appeal to the High Court or Circuit Court to be noted and proceeded with in like manner as in any civil action brought before a Court of Resident Magistrate; failing which the decision of the Magistrate shall be final and he shall issue a certificate of special registration in accordance therewith.

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Fees payable on certificate.

116. Each certificate of special registration shall bear a stamp of a value calculated at a rate of five shillings per claim and ten pounds for every mynpacht. No such certificate shall be issued unless all moneys due to the Government with respect to such claim, claims or mynpacht have been paid.

Developed mining property must be specially registered.

117. Whenever on any mining property any portion shall have been developed the holder thereof may apply for a certificate of special registration as aforesaid for the whole of such property whether it be a claim, block of claims or mynpacht within three months of such development. Should such holder fail to make such application within the said period of three months he shall on subsequently applying pay double the stamp fees hereinbefore provided for the application for a certificate of special registration.

Certificate of special registration, indisputable evidence of holder's right.

118. A certificate of special registration granted in accordance with this Ordinance shall be indisputable evidence of the right of the holder to the property so registered unless it is shown that the said certificate has been obtained by fraud.

Correction of certificate or diagram if inaccurate.

119. Should it be found that a certificate of special registration or the diagram attached thereto is inaccurate the holder thereof may after notice of two months published in the *Gazette* and in one or more newspapers locally circulating make application to the High Court for the cancellation thereof and the Court may thereupon on production of the report of the Magistrate in favour thereof make order for the cancellation of the said certificate or diagram and the issue of an amended certificate or diagram.

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Transfer of certificate.

120. A certificate of special registration may be transferred in whole or in part by the person entitled thereto on application to the Resident Magistrate and on payment of a stamp duty of two pounds and a transfer duty of one per centum on the value of the property transferred: Provided that no such transfer shall be granted except with the written consent of any person who may hold a bond on the registered property which consent shall be attached to the application. No further transfer dues of any kind shall be payable on the transfer of any property held by virtue of a certificate of special registration as aforesaid.

Magistrate to demand payment of license fees in arrear.

121. In case the monthly license fees payable on any mining property or any part thereof or on any stand held under a certificate of special registration be six months or more in arrear the Magistrate shall give notice to the holder of such mining property or stand by publication in the *Gazette* and in a newspaper locally circulating demanding the immediate payment of such fees and shall give written notice by registered letter to any holder of a bond on the said property should there be one.

Sale of mining property if fees not paid three months after demand.

122. (1) In case the payment of all such fees is not made within three months after date of the said publication of such demand the said mining property or stands shall be publicly sold by auction, in which case the special registration of such claims shall lapse, and in case such property consists of or comprises a mynpacht such mynpacht shall be sold as aforesaid in claims. The date of sale shall be published in the *Gazette* and also in a local newspaper at least fourteen days before the sale is held.

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(2) Out of the proceeds of such sale all moneys owing to the Government shall first be paid including the costs of the sale and of the notice and advertisement aforesaid and the balance shall be divided equally between the owner of the land or farm and the Government.*

(3) If at such auction any such claims or stands remain unsold the Head of the Mines Department shall thirty days after the date of the sale declare such claims to be open ground, whereupon the said ground may be pegged off by any person entitled to do so.

Mortgage on mining property.

123. (1) It shall be lawful for every holder of a mining property or stand to mortgage his interest therein or in any part thereof.

(2) Such mortgage shall be passed before the Magistrate who shall each month send a copy of all bonds so passed to the Registrar of Deeds for filing.

(3) All other provisions of law with reference to the mortgaging of immovable property and the duties payable on the same (with regard *inter alia* to the rights of creditors, sales in execution, the drawing of deeds and bonds and the persons entitled to do so) shall apply to mortgages passed under the provisions of this section.

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* Presumably a bond-holder would be paid out of the balance in preference to the Government or the owner of the land; see section 123 (3).

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PART VIII.*

TRADING IN PRECIOUS METALS.

Interpretation of terms.

124. In the construction of this Part the following words and expressions shall have the meaning hereby assigned to them unless there be something in the context repugnant thereto that is to say:—

"Banker" shall include any manager, cashier or other officer of a joint stock bank acting in his capacity as such.

"Licensed Dealer" shall mean the holder of a license issued under section 127 of this Ordinance.

"Unwrought Precious Metal" shall mean any precious metal to which this Ordinance shall apply in any form or condition whatsoever which although smelted is not manufactured or made up into any article of commerce and shall comprise all such precious metals when unrefined including amalgam and scrapings.

Prohibition of unlicensed dealing in unwrought precious metals.

125. It shall not be lawful for any person save as hereinafter excepted to buy, sell, deal in or receive by way of barter, pledge or otherwise either as principal or agent any unwrought precious metal or to be an accessory to such buying, selling, dealing in or receiving as aforesaid, unless

(1) Such person be duly licensed as hereinafter provided;

(2) Such person be a banker within the Colony;

(3) Such unwrought precious metals shall have been won from the ground held by such person under a right to prospect or dig for precious metals

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* See section 149.

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either by such person himself or by any servant of such person acting on his behalf.

Any person convicted of contravening the provisions of this section shall be liable to a penalty not exceeding five hundred pounds or to imprisonment with or without hard labour for a period not exceeding two years or to both such penalty and imprisonment; and in case of a second or subsequent conviction such person shall be liable to a penalty not exceeding one thousand pounds or to imprisonment with or without hard labour for a period not exceeding five years or to both such penalty and imprisonment.*

Penalties for unlawful possession of unwrought precious metal.

126. It shall not be lawful for any person save such person as is excepted under the last preceding section to have in his possession any unwrought precious metal; and any such person who shall be found in possession of any unwrought precious metal and shall be unable to satisfy the Court that he came into possession of the same in a lawful manner shall be liable on conviction to the penalties provided by the last preceding section.

Issue of licenses to deal in unwrought precious metal.

127. (1) It shall be lawful for the Resident Magistrate or Civil Commissioner as the case may be to issue to white persons who shall satisfy them as to their fitness licenses to buy, sell, deal in or otherwise receive and dispose of unwrought precious metal.

(2) Every such license shall, as nearly as may be, be in the form set forth in Schedule C annexed hereto.

(3) There shall be paid in respect of every such

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* See sections 128, 129 and 138.

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license the sum of twenty-five pounds in the case of a yearly license or eight pounds in respect of a quarterly license.

(4) All such licenses as are quarterly shall no matter when issued expire on the last day of the current quarter such quarter ending respectively on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December in each year; and all such licenses as are yearly shall no matter when taken out expire on the thirty-first day of December in the current year.

Penalties on licensed dealers contravening conditions of license.

128. Any licensed dealer who shall in any way deal in unwrought precious metal otherwise than in the manner specially authorised by his license shall on conviction be liable to the penalties in section 125 of this Ordinance provided and in addition to forfeit his license and any right of renewal thereof for such time as the Court may direct.

Prohibition of dealing in unwrought precious metal between sunset and sunrise and on Sundays.

129. It shall not be lawful for any licensed dealer or banker to buy, sell, deal in or receive by way of barter, pledge or otherwise as principal or agent any unwrought precious metal or be an accessory to such buying, selling, dealing in or receiving as aforesaid between sunset and sunrise or on a Sunday or at any other place than his usual place of business and any person who shall contravene the provisions of this section shall be liable to the penalties in section 125 of this Ordinance provided and in addition to forfeit any license under this Ordinance which such person may hold and any right of renewal of the same for such time as the Court may direct.

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Burden of proof of being licensed.

130. If in any proceedings against any person under this Ordinance the Court has to be satisfied that such person is or is not a licensed dealer such person shall be deemed to be unlicensed unless he shall produce his license or give other satisfactory proof of his being licensed.

Register of transactions to be kept by persons dealing in unwrought precious metal.

131. (1) Every licensed dealer and every banker or other person who is authorised under the provisions of this Ordinance to trade in unwrought precious metal without a license shall keep a true and correct register in the English language of all his dealings in unwrought precious metal in which he shall enter or cause to be entered within twenty-four hours of every transaction,

(*a*) The date of such transaction;

(*b*) The names of the parties to the transaction;

(*c*) The weight of the metal the subject of the transaction;

(*d*) The price.

(2) Any person required under the provisions of this section to keep a register who shall be convicted of neglecting or failing to keep such register as is herein required shall be liable to a penalty not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Monthly transmission of copy of register to Chief Officer of Police.

132. Every person required to keep a register as aforesaid shall on the first day of each month forward to the Chief Officer of Police of the district a true copy of such register for the previous month together with a solemn

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declaration of the correctness thereof and shall also produce and exhibit such register whenever the same may be required in any competent court on the written order of the Chief Officer of the Police of the district and if he shall refuse or fail to do so he shall be liable to the penalties in the last preceding section mentioned.

Prohibition of payment of debts in unwrought precious metal.

133. It shall not be lawful for any person to deliver or cause to be delivered unwrought precious metal as payment of or for any debt or any service rendered or to be rendered.

Any person convicted of contravening the provisions of this section shall be liable to a penalty not exceeding one hundred pounds and in default of payment to imprisonment with or without hard labour for a period of six months or to both such fine and imprisonment.

Prohibition of trading in unwrought precious metal with coloured persons.

134. No person shall receive by way of purchase, barter, pledge or gift any unwrought precious metal from a coloured person. Any person convicted of contravening the provisions of this section shall be liable to a penalty not exceeding one thousand pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding five years or to both such fine and imprisonment.

Prohibition of trade in or possession of unwrought precious metal by coloured persons.

135. No coloured person shall sell, barter, pledge or otherwise dispose of any unwrought precious metal. No coloured person shall obtain by purchase, barter or pledge or be in possession of any unwrought precious metal.

Any coloured person guilty of contravening the provisions of this section shall on conviction be liable to imprisonment with hard labour for a period not exceeding five years: Provided always that nothing in this section contained shall apply to a coloured person handling unwrought precious metal in fulfilment of any contract of service with a white employer.

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Disposal of unwrought precious metal by the Court in case of conviction.

136. On the conviction of any person for a contravention of the provisions of this Part it shall be in the discretion of the Court to order any unwrought precious metal in respect of which the conviction has been obtained to be delivered up to the owner if it shall be satisfied of the ownership or otherwise to be confiscated for the benefit of the Colonial Treasury.

Accessories may be charged as principals.

137. Any person who shall be an accessory before or after the fact to the contravention of any of the provisions of this Part or who shall attempt to contravene any such provisions shall be liable to be charged and dealt with in all respects as if he had actually contravened them.

Penalty for maliciously placing unwrought precious metal on premises with intent.

138. Any person who shall maliciously place any unwrought precious metals in the possession of or on the premises of any other person with the intent that such other person shall be convicted under the terms of this Part shall be guilty of an offence and shall be liable to the penalties provided by section 125 of this Ordinance.

PART IX.

STANDS.

Stands for mining purposes.

139. Any registered holder of a mining property shall on application to the Resident Magistrate be entitled to the occupation of a stand or stands within the proclaimed area one hundred and fifty feet square for the erection of mining plant or machinery or for the purpose of housing himself or his employees or for use as a tailing site for the purpose of exploiting such mining property: Provided always that the stand applied for is not held by another

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person as a claim, mynpacht, stand or water right, and is not situated on any area reserved or enclosed under the provisions of this Ordinance.

Fee payable on application therefor.

140. Every application for a stand as aforesaid shall bear a stamp of two shillings and sixpence and shall be accompanied by a surveyor's diagram in triplicate showing the position of the stand with relation to the nearest claim.

On receipt of such application the Resident Magistrate in consultation with the Inspector may grant a stand license to the applicant for each stand to which he is entitled as aforesaid should there be no well-founded objections thereto.

Stand license fee.

A license fee of two shillings and sixpence per month payable in advance shall be charged for each stand license so granted for mining purposes.

Business stands.

141. No person not being the registered holder of a mining property shall save as hereinbefore provided be permitted to occupy any stand or plot of land on a Public Digging or to erect any building thereon: Provided that it shall be lawful for the Head of the Mines Department to issue to persons approved by him licenses for trading stands on the said Digging not exceeding four for every hundred morgen of the proclaimed area. Such license shall not entitle the holder thereof to a stand situated on any claim, mynpacht, stand or water right held by any other person or on any area reserved or enclosed under the provisions of this Ordinance. All applications for such trading stands shall bear a stamp of five shillings and the license fee shall be one pound per month payable in advance. Any person contravening the provisions of this section shall on conviction be liable to a fine not exceeding twenty-five pounds

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or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Double fees payable in case stand license fees are in arrear.

142. In case any license fee payable in respect of any stand license not held under a certificate of special registration shall remain in arrear for a period of two months from the date when the same became payable the fees payable for such license shall be doubled from and after such date; and in case any such fee so doubled remains unpaid for a period of three months it shall be lawful for the Magistrate to cancel the said license and the amount payable thereupon shall be recoverable at law from the person by whom it was payable.

Application for business stands to be refused if intention to found township appears.

143. In case it shall appear to the Head of the Mines Department that the situation of any stands for which application is made other than for *bonâ fide* mining purposes is such as to indicate an intention on the part of the applicant to establish a township he shall refuse to grant such application.

No township to be formed except on proclaimed land.

144. It shall not be lawful for the Government to grant the right to found a township on any Public Digging unless the land required for such township has been previously deproclaimed under section 72 of this Ordinance.

Provisions of Law 6 of 1894 to apply.

145. An application to found a township on such deproclaimed land shall be dealt with as provided in Law 6 of 1894 or any Law hereafter to be enacted in that behalf.

Stand license fees divided between Government and owner.

146. All stand license-moneys collected by the Government shall be divided equally between the owner of the farm or piece of land on which such stands are situated and the Government.

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PART X.

MISCELLANEOUS.

Fees to be payable in stamps.

147. All fees or dues prescribed by this Ordinance with the exception of the fees payable for claim, mynpacht and stand licenses shall be paid by the persons by whom they are due and payable in the form of adhesive revenue stamps to be affixed to the documents to which they refer and cancelled by the officer by whom they are received.

Provisions of Part 1 of Ordinance 21 of 1902 to apply to Diggings.

148. The provisions of Part 1 of the Police Offences Ordinance, 1902, shall apply to all Diggings and places within this Colony whereon any mining for precious metals is being carried on under the provisions of this Ordinance.

Magistrates' Courts to have jurisdiction.

149. The Courts of the Resident Magistrates shall have jurisdiction to try all contraventions of the provisions of this Ordinance, save and except sections 26 and 27 and Part VIII thereof, and of any regulations having the force of law thereunder, and to inflict any of the penalties therein prescribed. All prosecutions under this Ordinance or any such regulations may be conducted by the Public Prosecutor in the said Courts or by the Inspector of Mines for the district.

Repeal of laws.

150. The laws mentioned in Schedule A hereto annexed to the extent expressed therein shall be and the same are hereby repealed.

Title.

151. This Ordinance shall be known and may be cited as the "Mining of Precious Metals Ordinance, 1904."

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SCHEDULE A.

LAW.	SUBJECT.	EXTENT OF REPEAL.
Chapter LXX	Taxes on Coloured Persons on Public Diggings	Article 12.
Chapter CXV of the Law Book	Mining for Precious Metals and Precious Stones (excluding Diamonds)	The whole.
Law 27 of 1894	Prospecting on Government Lands	So much of the Law as refers to mining for Precious Metals.
Law 13 of 1896	Prospecting on Government Lands	So much of the Law as refers to mining for Precious Metals.
Law 20 of 1897	Gold and Amalgam thefts	The whole.
Law 10 of 1898	Unproclaimed Diggings	So much of the Law as refers to mining for Precious Metals.
Law 17 of 1899	Gold Law Amendment	The whole.
Ordinance No. 4 of 1903	Prospecting on Government Lands Amendment	The whole.

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SCHEDULE B.

	£	s.	d.
For every inspection of a mining document or record in the Resident Magistrate's office (sec. 16) ...	0	1	6
For every written extract from a mining record in the Resident Magistrate's office (sec. 16)	0	5	0
For every prospector's license, per month in advance (sec. 18)	0	5	0
For the registration of a prospector's license; on the issue thereof (sec. 18)	0	5	0
For registration of each mynpacht (sec. 40)	0	10	0
For every mynpacht license, per annum, for each morgen, in advance (sec. 41)	0	10	0
For the registration of transfer of a mynpacht (sec. 42)	2	0	0
For the entry of name in Magistrate's list for prior right to issue of claim licenses (sec. 53)	1	0	0
For the registration of a claim or block of claims on issue of license (sec. 54)	0	5	0
For each reef claim license, per month in advance (sec. 59)	0	5	0
For each alluvial claim license, per month in advance (sec. 59)	1	0	0
For each developed reef claim, per month in advance (sec. 61)	1	0	0
For every surveyor's diagram duly approved by the Surveyor-General (secs. 74, 83, 103 and 115) ...	0	10	0
For the registration of the transfer of a claim (sec. 82) held under ordinary license; for each claim ...	0	5	0
For every application under sec. 91	0	5	0
For each permit for explosives (sec. 95)	0	1	0
For every application for a mining water right and for every objection thereto (sec. 103)	0	5	0
For the registration of transfer of a mining water right (sec. 106)	2	0	0
For every application for special registration and for every objection thereto (sec. 115)	0	5	0
On every certificate of special registration (sec. 116); per claim	0	5	0
per mynpacht	10	0	0

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	£	s.	d.
Registration of transfer of a certificate of special registration (sec. 120) ... ... and 1 per cent. of value of property transferred.	2	0	0
For every license to deal in unwrought precious metals (sec. 127) £20 per annum, or £8 per quarter.			
For every mining stand license (sec. 140)	0	2	6
For every application for a stand license for mining purposes (sec. 140)	0	2	6
For every stand license for mining purposes per month (sec. 140)	0	2	6
For every application for a trading stand (sec. 141) ...	0	5	0
For every trading stand per month	1	0	0

SCHEDULE C.

Form of License to Deal in Unwrought Gold.

.....Office.

.....

.....190...

A.....B....., having this day paid to me the sum of..... and lodged with me a certificate duly signed by the Resident Magistrate as required by section 127 of the Mining of Precious Metals Ordinance, 1904, is hereby licensed to buy, sell, deal in or otherwise receive and dispose of unwrought precious metals, at his office or place of business situated at.....in the town of..... subject to the provisions of the aforesaid Ordinance.

This license expires on the.....day of 190

.....

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ORDINANCE

Regulating the Mining of Precious Stones.

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No. 4 of 1904.] [17th June, 1904.

Ordinance

REGULATING THE MINING OF PRECIOUS STONES.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

PART I.

GENERAL.

Right of owner to prospect.

1. The right of every landowner to prospect without license freely and without hindrance, subject to the notice hereinafter prescribed, within the limits of his property for precious stones is hereby recognised.

If no prospecting takes place.

2. So long as a private owner does not personally prospect or grant permission to others to prospect the Government shall not have the power without his consent to proclaim his land or any part of it an alluvial digging, mine or prospecting area, nor shall any one have the power to compel him to have his land prospected, or otherwise deal with the land under the provisions of this Ordinance.

If prospecting has taken place.

3. Where a private owner has granted permission to another to prospect on his land or where the owner has prospected on his land himself he shall be taken and considered to have consented to such land or part of it being proclaimed an alluvial digging or mine by the Government

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in the event of precious stones being found thereon. The Government shall at all times have the right to institute an enquiry with regard to such prospecting having taken place or such permission to prospect having been granted.

Application of Ordinance.

4. This Ordinance shall be applicable to diamonds and to such other precious stones as the Lieutenant-Governor shall from time to time proclaim as included within its provisions.

Interpretation of terms.

5. In the interpretation of this Ordinance unless repugnant to the context the following words and expressions in inverted commas shall have the meanings thereto respectively assigned :—

"Alluvial Digging" shall mean such an area as may from time to time be proclaimed by the Lieutenant-Governor as such, and any area that has heretofore been so proclaimed under any previous law and is at the date of the promulgation of this Ordinance being worked as such.

"Block of Claims" or "Block" shall mean any number of contiguous claims.

"Claim" shall mean a portion of the land assigned for mining purposes within any proclaimed alluvial digging or any existing mine within the meaning of this Ordinance of a size fixed by this Ordinance, in respect of such existing mine or alluvial digging respectively. The land assigned for mining purposes as aforesaid with reference to existing mines shall be deemed to be the area respectively recognised as claims in the said mines, at the time of the coming into operation of this Ordinance.

"Claimholder" shall mean the registered holder of the right to dig for precious stones in a claim.

"Crown Land" shall mean all the unalienated Crown land and all land the property of the Government of this

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Colony in whatever way acquired, and any land alienated by the Crown with the reservation thereto of precious stones.

"Depositing Site" shall be taken to mean a piece of land used for depositing and working of ground bearing precious stones and for the accumulation of washed ground.

"Digging" or "Mining" shall mean the winning of precious stones including all work necessary for the purpose, irrespective of whether such mining is effected by underground mining works, open cuttings, boring or otherwise.

"Discoverer" shall mean a duly licensed prospector who has discovered precious stones.

"Existing Mines" shall mean only those mines mentioned in Part VIII of this Ordinance.

"Inspector" shall mean the officer appointed as Inspector or Deputy Inspector of Mines for the mining district in which any mine or alluvial digging is situated.

"Mine" shall mean any area of ground bearing precious stones which is continuous in its formation and is contained within a pipe or similar geological formation together with any directly connected overflow or extension of the same.

"Mineholder" shall mean the person entitled under the provisions of this Ordinance to work a mine.

"Owner" shall mean the registered owner of any land on which any mine or alluvial digging is situated.

"Private Land" shall mean any area of land of which the ownership is vested in any person as shown by the title deed or deed of transfer and in the title of which there is no reservation to the Crown of precious stones.

"Prospector" shall mean in accordance with the context

(*a*) Any person who holds a license to prospect for precious stones.

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(*b*) Any owner who has given notice to the Magistrate of his intention to prospect.

"Prospecting" shall mean the doing of all work which is necessary for the search for precious stones or which has in view the testing of the payability of the place in which precious stones have been found.

"Resident Magistrate" shall mean the Resident Magistrate or detached Assistant Resident Magistrate of the district in which any mine or alluvial digging is situated or such person or persons as may be appointed to relieve the Magistrate of the mining duties under this Ordinance.

"Stand" shall mean a definite portion of ground of a size fixed by this Ordinance to be used as a site for a residence or for trading purposes or for housing of labourers or other mining purposes.

Power of Lieutenant-Governor to make regulations.

6. It shall be lawful for the Lieutenant-Governor by notice in the *Gazette* from time to time to frame, amend and repeal regulations for the administration of this Ordinance and to prescribe penalties for the contravention thereof and in particular in respect to the following matters:—

(1) The duties, powers and remuneration of Inspectors and other officers appointed under this Ordinance.

(2) The regulation of compounds and the segregation of coloured employees therein.

(3) The sanitation of mines and mining areas.

(4) The safety of persons employed in prospecting and in mines and mining areas and the responsibility therefor.

(5) The searching of persons employed on or visiting mines, mining areas and alluvial diggings.

(6) The obtaining of returns, plans and other statis-

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tics with reference to mining and prospecting for precious stones.

(7) The storage, receipt, distribution and transport of explosives used by mineholders.

(8) Appeals against the decision of the Inspector.

(9) The qualification and licensing of persons employed as mine managers, mine captains, engine-drivers and those employed in blasting operations and the prohibition of the employment of unqualified persons as such.

(10) The pegging off of claims on Proclaimed Diggings.

(11) The control of coloured persons employed on Proclaimed Diggings.

(12) The establishment and management within mining areas of hospitals for the use of employees.

(13) The regulation and transfer of mining rights and the issue of certified copies in place of lost licenses and deeds of transfer.

And such regulations fourteen days after being published in the *Gazette* shall have the force of law as if expressed in this Ordinance.

Powers of Inspectors.

7. It shall be lawful for the Inspectors to obtain from all persons or companies prospecting or mining for precious stones all such statistics as may be prescribed in the regulations mentioned in the last preceding section and at all times to enter upon any mine or mining area or any building thereupon.

Penalty for refusing to supply statistics.

8. Any person wilfully refusing or failing to supply such statistics within the time specified in the said regulations shall on conviction be liable to a fine not exceeding ten pounds or in default of payment to imprisonment

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with or without hard labour for a period not exceeding three months.

Limitation of prospecting and mining.

9. Prospecting and mining shall be prohibited on such places as the Lieutenant-Governor may from time to time by notice in the *Gazette* exclude from prospecting or mining;

Nor shall it be lawful without the consent of the Lieutenant-Governor to prospect or mine in any public squares, parks, streets, railways, roads, burial-grounds or public works or within two hundred yards of any surveyed erven of a recognised town or village.

Any person contravening the provisions of this section shall on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

PART II.

PROSPECTING.

License to prospect.

10. The Lieutenant-Governor shall have the power to grant to persons or companies applying therefor a license to prospect on Crown land for diamonds or other precious stones on such terms as to the Lieutenant-Governor may seem fit subject to the provisions of this Ordinance and of the Lands Settlement Ordinance, 1902. Such license shall be issued for a period to be determined by the Lieutenant-Governor and shall be subject to a license fee of five shillings per month payable in advance.

Every license shall be registered with the Resident

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Magistrate and a fee of two shillings and sixpence shall be charged for such registration. All land which has been alienated by the Crown with a reservation thereto of any precious stones shall be deemed to be Crown land for the purpose of prospecting under this Ordinance.

Prospecting on private land.

11. Prospecting on private land shall be subject to the following provisions:—

(1) The owner* thereof may by himself or his servants prospect thereon without a license on giving notice in writing of his intention so to do to the Resident Magistrate; and any owner of such land prospecting thereon without giving such notice as aforesaid shall be liable to a fine not exceeding ten pounds and in default of payment to imprisoment with or without hard labour for a period not exceeding one month.

(2) Any white person over the age of fifteen years having the written permission of the owner or owners of a farm or piece of land to prospect thereon shall be entitled to obtain from the Resident Magistrate a prospector's license on payment of a registration fee of two shillings and sixpence. Every such license shall be subject to a license fee of five shillings for each month payable in advance. In such license shall be stated the period for which the said license is granted, but such period shall not exceed the term, if any, mentioned in the aforesaid permission.

(3) Nothing contained in a prospecting license shall be construed:—

* See section 34.

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(*a*) To authorise the holder without the special permission of the owner to enter upon any land used as a garden, orchard, vineyard, nursery, plantation or ornamental pleasure ground or on land under cultivation or within one hundred yards of any spring, reservoir, dam or water works or within two hundred yards of any house, homestead or building;

(*b*) To authorise the holder to employ more than six white persons in addition to coloured labour. An additional license will be required for every additional six white persons so employed: Provided that such additional license shall not entitle the prospector to any extra rights other than those which he holds by virtue of his original license; nor shall such white persons so employed by him acquire any special rights under this Ordinance.

Inspection of prospecting on private land.

12. When the owner of private land either prospects himself or gives permission to any other person to prospect thereon the Head of the Mines Department or his Deputy shall have the right to enter upon such land in order to inspect such prospecting.

Prospector to assist in preserving the peace.

13. Every prospector or claimholder on an alluvial digging shall when called upon by the Inspector or other officer locally entrusted with the preservation of peace and order assist the latter to preserve order on pain of forfeiture of his license.

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PART III.

DISCOVERY OF PRECIOUS STONES.

DUTIES AND RIGHTS OF A DISCOVERER.

Notice of discovery.

14. It shall be the duty of every prospector or owner who shall discover any precious stones within thirty days thereafter to give notice thereof and of the place where such discovery has been made to the Resident Magistrate, and thereafter to make once in each month a solemn declaration* of the number, weight and value of the precious stones found by him and of the amount of pulverized ground measured in loads of sixteen cubic feet to each load which has yielded the same and to lodge such declaration with the Inspector. Any person who on discovery of precious stones shall fail to give the notice aforesaid or to make and lodge the said declaration shall on conviction be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Share to which prospector is entitled.

15. (1) Any holder of a prospecting license under the provisions of this Ordinance who shall prove to the satisfaction of the Inspector with whom he has lodged the declaration aforesaid that he has discovered precious stones shall be entitled on the proclamation of a mine at the place where the discovery was made and on production of the certificate hereinafter mentioned in subsection (3) hereof

(*a*) In case such mine be on Crown land to

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* See section 16.

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not more than an undivided half share of the extent of the said mine,

(*b*) In case such mine be on private land to an undivided one-fifth share in the interest in the said mine to which the owner of such private land is entitled under the provisions of Part V: *

Provided that it shall be competent for the prospector in entering into any agreement with the owner for the purpose of prospecting to waive his right to the said one-fifth share and to make any such other agreement with the owner as the parties thereto may think fit.

Shares of owner and discoverer considered as vested in them jointly.

(2) The shares of the owner and the discoverer shall be considered for the purposes of this Ordinance as vested in them jointly and not severally, and the share of the owner shall hereinafter be deemed to include the share or interest of the discoverer.

Share to which discoverer entitled.

(3) Whenever any such discoverer shall give proof to the satisfaction of the Head of the Mines Department

(*a*) that he has discovered a new mine not being merely an extension of an already discovered mine,

(*b*) that there are reasonable grounds for believing that precious stones exist therein in payable quantities,

(*c*) that he has not waived his right to a one-

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* See section 35.

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fifth share in the owner's interest therein as aforesaid,

he shall receive from the said Head of the Mines Department a certificate to the effect that he is entitled to the rights provided in sub-section (1) of this section.

False declaration of discovery.

16. Any person who shall make any declaration referred to in section 14 of this Ordinance well knowing that the precious stones declared to have been found were by himself or some other person placed or deposited in or on the spot or in any soil dug out or removed from the spot in which the declarant was prospecting or where the discovery of such precious stones is declared as aforesaid to have been made and were not naturally situated in or on the spot or in the soil where they were declared to have been found or discovered or well knowing that the said precious stones were not found or discovered in or near the place where they were declared to have been found or discovered shall upon conviction be liable to such punishment as is by law provided for the crime of perjury.*

Salting.

17. Any person who shall wilfully place or deposit or be accessory to the wilful placing or depositing of any precious stones in any spot or place with intent to persuade or induce any person to make such solemn declaration as aforesaid or for the purpose of misleading the Lieutenant-Governor or any other person as to the payable nature of a spot or place where precious stones have been or may be declared to have been found and previous to such spot being proclaimed an alluvial digging or mine shall be guilty of the crime of contravening the provisions of this Ordinance

* See section 124.

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and shall upon conviction thereof suffer such punishment as if he had been convicted of the crime of fraud.*

Salting which would be likely to lead to false declaration.

18. In any proceeding taken for the contravention of the last preceding section if the accused person shall be proved to have placed or deposited or to have been accessory to the placing or depositing of any precious stones in any place where the finding thereof would be likely to lead any person to make a declaration of the finding of the same or would tend to mislead the Lieutenant-Governor or any other person, he shall be taken to have so placed or deposited such precious stones in contravention of the last preceding section unless he shall produce satisfactory evidence to the contrary.

PART IV.

PROCLAMATION OF A MINE AND ALLUVIAL DIGGING.

Testing the mine.

19. The Lieutenant-Governor may at any time after a discovery of precious stones has been made and shall prior to proclaiming any place a mine or alluvial digging take such steps as he may deem fit for the purpose of testing the character, payability and extent of the place at which precious stones have been discovered and for this purpose may appoint such duly qualified persons as he may think fit and may authorise the expenditure of such sums of money as shall be deemed necessary for the purpose of such testing: Provided that in no circumstances shall any responsibility whatever attach to the Government in case any proclaimed

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* See section 124.

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mine or alluvial digging should after the proclamation thereof prove to be or become unpayable.

Proclamation of mine.

20. Whenever the Lieutenant-Governor shall be satisfied after taking the steps mentioned in the last preceding section that there are reasonable prospects that precious stones exist in payable quantities it shall be lawful for him, after causing the extent of the area containing precious stones to be surveyed, to proclaim the area so surveyed a mine or alluvial digging or to proclaim it as an extension of the existing or previously discovered mine or alluvial digging as the case may be: Provided that such Proclamation shall not extend to any mine or portion of a mine situated on land on which the owner has not prospected or allowed prospecting to take place or which he has not otherwise consented to being proclaimed as aforesaid.

Proclamation of mining area.

21. For the purpose of working any mine it shall be lawful for the Lieutenant-Governor at the request of the mineholder to proclaim as a mining area in respect of the said mine an area in the neighbourhood of or in proximity to the said mine and in such case the following provisions shall apply:—

(1) Such area shall be surveyed and beaconed off in accordance with regulations to be made by the Head of the Mines Department and shall be of sufficient extent for depositing floors, machinery and tipping sites, for sinking wells, laying tramways, erecting compounds and other necessary buildings and doing or performing all other matters and things connected with the proper and efficient working of the mine.

(2) A plan of the said survey shall be framed and deposited for public inspection at the office of the

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Resident Magistrate showing the estimated extent of the mine and mining area and the shape, dimensions and boundaries of the area available for depositing sites.

(3) The area so surveyed may from time to time by proclamation in the *Gazette* be reduced or enlarged at the discretion of the Lieutenant-Governor as the necessities of the mine may require.

(4) No mining area may be proclaimed on private land on a portion of which a proclaimed mine or a proclaimed extension of a mine is not situated without the consent of the owner.

(5) The said area shall be so situated as not to encroach on a reserve of one hundred and fifty yards in width round the margin of the mine, which said reserve shall be deemed to be part of the proclaimed mining area and shall be used exclusively for machinery for the purpose of hauling ground from the mine and for the laying of tram rails or other means of transport for the purpose of carrying such ground to the depositing sites.

Mineholder has rights within the mine only.

22. Nothing in the last preceding section shall be construed to grant to the mineholder any mining rights within the limits of the proclaimed mining area except within the limits of the mine or an extension thereof. In case any further mine be discovered within such proclaimed area as aforesaid, not being an extension of the proclaimed mine, the rights in respect of such further mine shall be deemed to subsist under the provisions of this Ordinance as if such mining area had not been proclaimed; and the proclamation of the said mining area in respect of the land within the limits of the said newly discovered mine together with

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an area of one hundred and fifty yards round the margin thereof shall be deemed to have been revoked.

Surface rights of owners.

23. The surface rights of the owner of land included under any such proclamation as aforesaid shall immediately on the publication thereof be suspended until such time as the said proclamation is with respect to such land revoked or cancelled; and if any portion of land included in such proclamation is held under a lease other than a mineral lease then such lease shall cease and determine on notice thereof by the Head of the Mines Department to the lessee, and in such case the lessee shall be entitled to such compensation as may be agreed upon between him and the Head of the Mines Department in the case of Crown land and between the owner and the Head of the Mines Department of the one part, and the said lessee of the other part, in the case of private land.

If no agreement as aforesaid be arrived at then the amount of compensation shall be determined by arbitration in the manner hereinafter provided.

Compensation on termination of lease.

24. When any lease is determined under the last preceding section the amount due to the lessee as compensation shall in the case of Crown land be paid by the Government, and in the case of private land by the mineholder and the Government in shares proportionate to their respective interests in the mine.

Notice of proclamation to owner.

25. No proclamation of an alluvial digging, mine or mining area on private land shall be issued except with the consent of the owner of such land until after three months from the date of a notice to him by the Head of the Mines Department of the Lieutenant-Governor's intention to issue such proclamation. Such notice shall be served personally

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on the owner if possible or on his duly authorised agent and shall also be published three times in the *Gazette*.

Reservation of land on alluvial digging to owner.

26. In the proclamation of any alluvial digging on private land there shall be reserved to the owner at his application the uninterrupted use of the principal homestead together with a circular area of two hundred yards in radius around the same and also all buildings, burial-grounds, kraals * and water-courses situated outside the said area.†

Expropriation of such land after arbitration.

27. The portion of land and buildings reserved to the owner under the last preceding section shall not be included in the said proclamation, but if at any time it appears to the Lieutenant-Governor desirable to do so it shall be lawful for him at the request of any person to expropriate such portions of land or buildings on the payment by the said person to the owner of the value thereof. If such value cannot be agreed upon it shall be deter-

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* The meaning of the word *kraal* has been recently defined in the case of *Bronkhorst* v. *Aberfeldy D. M. Co.* (not yet reported), decided in the Supreme Court of the Transvaal on the 10th June, 1904. (*Coram:* INNES, C.J., and SOLOMON and WESSELS, J.J.) In that case a mineral contract, which was made in 1896, contained a clause excluding "all existing buildings, kraals, werven, gardens and landerijen." A certain enclosure, in extent about ten morgen, was claimed by the plaintiffs as a kraal and thus excluded from the contract. This enclosure was enclosed with a stone wall and there was no water in it. There was also evidence that for years before the contract was made this enclosure was used for the purpose of corralling cattle during the night. The Court held that a *kraal* is an enclosure used for enclosing stock; a *kamp* is an enclosure for depasturing stock; that an enclosure does not cease to be a *kraal* merely because there is a certain amount of grass in it; that the fact that there was no water in it showed that it was not intended to be used for depasturing purposes; that the use to which it is put differentiates between a *kraal* and a *kamp;* that size is an element, but not conclusive. The Court therefore held that the enclosure in question was a *kraal* within the meaning of the clause in the contract.

† See section 96.

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mined by arbitration in manner hereinafter provided. The cost of such arbitration shall be borne by the said claimholder.

Land reserved to be beaconed off.

28. The owner of any private land on receiving the notice mentioned in section 25 of this Ordinance in respect of an alluvial digging shall, before the issue of the proclamation referred to in such notice, at the request of the Resident Magistrate cause to be beaconed off the portions of such land as he is entitled under section 26 to exclude from the said proclamation and in default thereof the Head of the Mines Department may cause the same to be done at the expense of such owner.

Cost of survey.

29. (1) The cost of the survey of any mine or mining area under this Ordinance shall be paid by the mineholder.

(2) The cost of the survey of the limits of an alluvial digging proclaimed on private land shall be paid by the owner.

Right of owner to peg off claims.

30. In addition to any compensation for the expropriation of his surface rights to which the owner of or person under agreement to purchase any land, the mineral rights whereof have been reserved to the Crown, may be entitled, the said owner or person shall in case of an alluvial digging being proclaimed upon such land have the right to peg off for himself after the prospector's rights have been satisfied ten claims in the form, if possible, of a rectangular block.

Such claims shall be subject to the usual license fees.

Land to revert to owner when proclamation revoked.

31. Whenever any area has been proclaimed an alluvial digging the whole of the said area shall continue to be subject to the provisions of this Ordinance with respect to alluvial diggings until such time as the proclamation of

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such area or any part thereof shall be revoked by the Lieutenant-Governor in manner as hereinafter provided; in which event the said area or part thereof shall revert to the owner save as regards any existing registered claims or stands.

Deproclamation of alluvial digging.

32. It shall be lawful for the Lieutenant-Governor by proclamation in the *Gazette* to revoke the proclamation of any alluvial digging or any part thereof in case within such alluvial digging or such part as the case may be,

(1) The number of registered claims at any time be less than a number computed in the proportion of one claim to every twenty morgen of land; and

(2) It appears to the satisfaction of the Head of the Mines Department that precious stones are not being found in payable quantities.

But such deproclamation shall not affect any existing registered claims or stands.

Deproclamation of a mine.

33. It shall be lawful for the Lieutenant-Governor by proclamation in the *Gazette* to revoke the proclamation of any mine in case such mine be abandoned by the mine-holder or shall cease to be duly worked in accordance with the provisions of this Ordinance, in which case all rights acquired under the said provisions shall cease and determine and the land so deproclaimed shall revert to the owner.

PART V.

RIGHTS OF OWNER OF LAND.

Right of owner to prospect on his land without license.

34. Every owner of land without taking out any license may by himself or by others employed by him for

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that purpose prospect thereon for precious stones, provided that notice has been given as required by sub-section (1) of section 11 of this Ordinance.

Share to which owner is entitled.

35. When the place where precious stones have been discovered shall be proclaimed a mine under the provisions of this Ordinance the owner of the land on which the said mine or any portion thereof is situated shall be entitled to an undivided six-tenths share of the extent of the mine or of such portion thereof as the case may be, which share shall include the rights of the discoverer as provided by section 15.*

Owner's share where boundary crosses mine.

36. Should a mine be divided into two or more portions by the boundary line or lines of land owned by different persons each such owner shall be entitled to such an undivided portion of half the mine as is in proportion to the surface area of his land within the surface boundaries of the mine subject to the discoverer's rights under section 15 of this Ordinance.†

When owner may begin to work.

37. (1) The owner shall be entitled after the expiration of eighteen months from the date of the declaration mentioned in section 14 of this Ordinance to mine, subject to the provisions of this Ordinance, within an area to be approved by the Head of the Mines Department and beaconed off and as nearly as possible equivalent to the portion to which the said owner is entitled under the last two preceding sections, if during such period the Lieutenant-Governor should not see fit to proclaim a mine on such land: Pro-

* See section 40 (1).

† See section 40 (1). As to working mine by joint owners, see section 45.

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vided that nothing herein contained shall be deemed or taken in any way to prevent the Lieutenant-Governor at any time from proclaiming a mine on such land: And provided further that such area and any transfer thereof shall be registered, and that the rights of the discoverer to his share be protected.

(2) Nothing in this section contained shall be deemed to prohibit any discoverer or owner from carrying on any such work upon the said mine from the time of the discovery thereof as may be necessary for the prospecting or testing thereof or in preparation for the opening of actual mining operations thereupon in the event of proclamation or in accordance with the provisions of this section, provided that no actual mining shall be carried on thereon until after proclamation or until eighteen months have elapsed from the date of declaration as aforesaid.

Rights of lessee of land containing precious stones.

38. Every lessee of private land in the lease of which the owner shall have agreed to let such land together with his rights in respect of precious stones shall, provided such lease be duly registered in the office of the Registrar of Deeds, be entitled during the term of his lease to such rights and privileges accruing to the owner of such land by this Ordinance as shall have been conferred upon him by such lease and shall be subject to all obligations imposed by this Ordinance in respect thereof: Provided that at the expiration of such lease every right granted to or held by him as such lessee shall revert to the owner.

Rights of person to whom right of precious stones has been assigned.

39. When in the title to private land or by some notarial deed registered in the Deeds Office the right to the

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precious stones therein is reserved to some other person than the registered owner, or where the said rights have been duly transferred to some person other than the registered owner of such land, such person will on the discovery of precious stones on such land be entitled to the rights conferred by this Ordinance on the owner in respect of such precious stones and will be subject to the obligations imposed in respect thereof.

PART VI.

WORKING OF A MINE.

Share to which Crown is entitled

40. (1) The Crown shall be entitled to the undivided share in any mine or portion of a mine on private land which remains after deducting the share to which the owner or owners are entitled under sections 35 and 36 of this Ordinance, and in case the mine or portion thereof be on Crown land to the undivided share which remains after deducting the share to which the discoverer may be entitled under section 15 of this Ordinance.

(2) The Head of the Mines Department shall on application issue a certificate to the owner or in case of Crown land to the discoverer, certifying the extent of the share in the mine held by him and such certificate shall be registered by him in the office of the Resident Magistrate and shall also in the case of private land be registered against the title deeds of such land on which such mine is situated.

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Owner entitled to work the whole mine.

41. The owner of land on which a mine is situated shall be entitled to work the whole of the said mine for the purpose of winning precious stones therefrom and shall within nine months after the proclamation of such mine notify to the Head of the Mines Department in writing whether he intends to do so or not.*

Account of working capital.

42. Where the mine is worked by the owner he shall provide the working capital† necessary for the effective working of the mine and shall for the purpose of the division provided for in section 44 hereof render yearly an account to the Head of the Mines Department in which shall be set off against the net profit‡ of the mine for the year such working capital actually expended together with interest thereon at the rate of ten per centum per annum, calculated from the last day of the month in which such capital was expended. In each such annual account such interest shall be reckoned on the balance of capital remaining after any such set-off as aforesaid together with any additional working capital so expended during the year. No share in the produce of the mine shall accrue to the Crown until the aggregate net profits of the mine after allowing for previous losses shall equal the working capital so expended from time to time together with the interest thereon calculated as aforesaid, as is more fully illustrated in Schedule B annexed to this Ordinance.§

Tax of five shillings.

Provided always that during the period that may elapse from the date of proclamation of the mine and the

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* See section 53 (2).

† See section 47.

‡ See section 48.

§ See section 44. In case of joint owners, see section 45. As to lease of mine by Lieutenant-Governor, see section 54.

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date when the working capital and interest aforesaid has been so set off and balanced against the profits a tax of five shillings* for every nine hundred square feet of the total surface of the mine shall be paid monthly in advance by the owner to the Government to meet the expenses of Government control. Such tax shall cease to be payable from the date when the working capital and interest shall have been found to equal the accumulated profits as aforesaid.†

In case of dispute as to extent of total surface.

43. In case of any dispute as to the extent of the total surface of the mine by reason that the walls of the pipe have not been accurately defined or otherwise, the said extent shall be determined from time to time for the purpose of the last preceding section by agreement between the Inspector and the mineholder and failing such agreement the matter shall be referred to arbitration in manner hereinafter provided.‡

Division of profits.

44. Subject to the provisions of section 42 the net profit obtained from the working of the mine shall be divided between the Crown and the mineholder in proportion to their respective shares in the mine.‡

Amount payable to owner who provides capital.

45. In the case of there being two or more owners of a mine as described in section 36 and one or more of them should be unable or refuse to raise his proportion of the capital required to work the mine as provided in section 42 within twelve months after the proclamation of the said mine, it shall be lawful for the remaining

* Payable in cash, see section 122.

† The provisions of this section are not applicable to leases of small mines, see section 50.

‡ These sections are not applicable to leases of small mines, see section 50; nor are they applicable in case of lease of mine by Lieutenant-Governor, see section 54.

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owner or owners as the case may be to find the working capital and to work the mine as provided in section 42, and the profits accruing in each year shall be divisible between all the owners proportionately to their shares in the surface area of the mine after deducting therefrom an amount equivalent to ten per cent. as interest on the capital so expended, which said amount shall be payable to the owner or owners who shall have provided the capital as aforesaid: Provided always that no other agreement has been made between the parties concerned: And provided further that nothing in this section contained shall affect the share in the profits of the mine accruing to the Crown as aforesaid.*

Consent of owner necessary to proclamation of extension on his land.

46. In case any part of such mine be situated upon land on which the owner has not prospected or permitted prospecting to take place or to the proclamation of which he has not otherwise consented, such part shall not be deemed a part of the said proclaimed mine nor shall such owner be entitled to any share in the profits thereof: Provided that should at any future time such owner consent to have the part of the mine situated on his land proclaimed as such, the Lieutenant-Governor shall proclaim the said portion as an extension of the previously proclaimed mine and the owner shall thereupon be entitled to a share proportionate to the extent of the surface area of the mine situate in his land and the provisions of section 36 and of the last preceding section shall apply.

Definition of working capital.

47. The term "Working Capital" shall be taken to mean the actual capital expended on the equipment and development of the mine after the date of proclamation

* See section 44.

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together with a sum to be decided upon by the Board prescribed in section 52 as necessary for the purpose of carrying on mining operations, and shall include any sum paid by the mineholder in respect of land or any right over land acquired by him under the provisions of sections 87 and 89, but shall not include the purchase-price, if any, paid by him for the mine, or any mining rights or any costs of prospecting previous to proclamation.

Definition of net profits.

48. The term "Net Profits" shall be taken to mean that profit left after paying all amounts not being capital outlay actually expended during the year in winning and disposing of precious stones together with salaries, wages, directors' fees, auditor's fees, taxes, insurance, printing, stationery, advertising, maintenance of plant and buildings, agencies, legal expenses, survey expenses, arbitration expenses and office expenses.

Examination of books of mine.

49. It shall be lawful for the Auditor-General of the Colony or any other officer deputed thereto by the Lieutenant-Governor from time to time to examine the books and accounts of the mineholder with respect to the working of the mine and at all times to have reference to all books and documents which tend to prove the correctness or otherwise of the said accounts.

Lieutenant-Governor may lease portion of small mine.

50. In the case where a small mine is proclaimed not exceeding one hundred and thirty-five thousand square feet in area it shall be lawful for the Lieutenant-Governor should it be deemed advisable to lease the portion owned by the Crown to the owner or mineholder on such terms as may be agreed upon, during the continuance of which lease the provisions of sections 42, 43 and 44 shall not apply.

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Conditions of non-working.

51. Every mineholder shall carry on mining operations to the satisfaction of the Head of the Mines Department* unless work is suspended with the consent of the Head of the Mines Department for any of the following reasons:—

(1) That time is required for the erection or repair of machinery or shafts;
(2) The influx or scarcity of water;
(3) A fall of reef on the mine;
(4) Scarcity of labour;
(5) When the *bonâ fide* mining and working expenses of the mine cannot be met by the sale of the precious stones found therein when realised at their true and fair market value;
(6) Any such other like reason as to the Head of the Mines Department may seem just.

Differences to be settled by a Board.

52. All differences which may arise between the owner and the Crown in respect of the carrying out of the provisions of Part VI of this Ordinance or in respect of any matter affecting their respective interests in the mine or in the disposal of its products or the value of the same shall be referred for final decision to a Board consisting of an equal number of representatives of the owner and the Crown and in addition thereto a chairman who shall be appointed by the members of the said Board. The persons representing the Crown on such Board shall be appointed by the Lieutenant-Governor.

On refusal to work mine.

53. If the owner

(1) refuses to work the said mine; or
(2) fails to notify the Head of the Mines Department

* See section 53 (4).

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whether he intends to do so or not within the period mentioned in section 41; or

(3) fails to find the necessary capital for the working of the said mine within twelve months after its proclamation; or

(4) fails to properly work the said mine under the provisions of section 51; or

(5) fails to carry out the decision of the Board mentioned in the last preceding section in respect of any difference referred to such Board;

Lieutenant-Governor may call for public tenders.

the Lieutenant-Governor may call for public tenders for the working of the said mine under contract on such terms and conditions as may be agreed upon between the Lieutenant-Governor and the owner: Provided always that in case the Lieutenant-Governor and the owner cannot agree such terms and conditions shall be decided by the Board mentioned in the last preceding section; And provided further that any profits accruing divisible between the Crown and the owner under any such contract as aforesaid shall be divided in proportion to their respective holdings.

Lieutenant-Governor may lease if no tender is accepted.

54. It shall be lawful for the Lieutenant-Governor in case no satisfactory tender is obtainable for the working of the mine under the last preceding section to lease the said mine to the owner on such terms as may be agreed upon or failing such agreement to any other person, in which case during the continuance of the lease the provisions of sections 42 to 44 inclusive shall not apply. The rent derived from any such lease to a person not being the owner shall be divisible between the Government and the owner in proportion to their respective shares in the mine.

Transfer of interest in mine.

55. (1) It shall not be lawful for the owner or mine-holder to transfer or mortgage his interest in a

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proclaimed mine except with the consent of the Lieutenant-Governor.

(2) Such transfer or mortgage shall be passed before the Resident Magistrate who shall each month send a copy of all mortgage bonds so passed to the Registrar of Deeds for filing.

(3) On such transfer a transfer duty of one per centum only shall be payable together with a stamp duty of two pounds.

(4) All other provisions of law with reference to the transfer or mortgage of immovable property and the duties payable on the same shall apply to every such transfer or mortgage.

Above provisions apply to mine on Crown land.

56. The provisions of the preceding sections of this Part shall apply *mutatis mutandis* to a mine proclaimed on Crown land the discoverer in such case having the rights and obligations conferred on the owner by the said sections.

Definition of "owner."

57. The word "Owner" shall for the purposes of Part VI of this Ordinance include any person being entitled to the rights conferred by this Ordinance on the owner of land on which a mine is proclaimed.

PART VII.

ABANDONED MINES AND PORTIONS OF MINES.

Abandonment of mine.

58. The registered holder of any holding in a mine shall be entitled to abandon the whole or any portion of such holding on giving notice of such abandonment to the Resident Magistrate in writing and thereupon such holding

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or portion thereof shall be deemed and taken to be abandoned. A note shall be made by the Resident Magistrate in the proper books of his office of the fact of such abandonment and the date thereof.*

Lieutenant-Governor may lease abandoned mine.

59. It shall at all times be lawful for the Lieutenant-Governor after having given three months' notice in writing to the owner to grant a lease of any mine or part of a mine which has been abandoned as aforesaid for such period and on such terms as he shall think fit, particulars of which shall be published in the *Gazette*.*

PART VIII.

EXISTING MINES.

Proclaimed existing mines.

60. The following mines shall be and hereby are recognised as Proclaimed Existing Mines, namely the mines situated at Jagersfontein and Koffyfontein and mentioned in Chapter CXXI and Law No. 1 of 1892 respectively and now being worked by the New Jagersfontein Mining and Exploration Company, Limited, and the Koffyfontein Mines, Limited, and other claimholders, and the mine known as the Ebenezer Mine, and in respect thereof the following provisions shall apply:—

(1) The Crown shall have no proprietary right in the said mines.

(2) The said mineholders and other claimholders shall pay a license fee of ten shillings for every claim of nine hundred square feet within the proclaimed

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* Applicable to alluvial diggings, see section 83.

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area monthly in advance to the Resident Magistrate.

(3) Should however the said license fees on any of the said mines or any of the claims therein become four months in arrear it shall be lawful for the Lieutenant-Governor to give notice in writing of not less than one month to the claimholders to pay all the license fees in arrear and on their failing to do so within the period of the said notice to declare the mine or any such claim therein as the case may be to be forfeited and after notice of such forfeiture to the owner public tenders shall be invited for the working thereof.

(4) The tender that appears most advantageous in the opinion of the Lieutenant-Governor shall be accepted: Provided that it shall be lawful for the claimholders of any such mines to abandon any claim within the said proclaimed area by giving notice in writing of their intention to do so to the Resident Magistrate; whereupon the mining rights upon such abandoned claims shall fall under the provisions of section 59.

(5) All claim license-moneys collected by the Government shall be divided equally between the Government and the owner of the land on which the mine is situated.

Unproclaimed existing mines.

61. The following mines shall be and are hereby recognised as Unproclaimed Existing Mines, namely the mines owned and worked at the time of the coming into operation of this Ordinance by the Lace Diamond Mining Company, Limited, the Orange Free State and Transvaal Diamond Mines, Limited, the New Driekopjes Diamond Mining Company, Limited, and the Monastery Diamond

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Mines and Estate Company, Limited,* and in respect thereof the following provisions shall apply :—

(1) The Crown shall have no proprietary right in these mines so long as the tax of five shillings for every claim of nine hundred square feet of the surface area of the said mine is paid monthly in advance to the Resident Magistrate.

(2) The holder of any of the said mines shall be entitled to prospect and mine for precious stones without the payment of any license or other fees within the farm or area whereon such mine is situated, which at the date when application was made in respect thereof under the provisions of Law 16 of 1899 was registered under one title: Provided that in case any further mine be discovered on the said area a tax of five shillings shall be payable in respect of every claim of nine hundred square feet of the surface area of the said further mine.

(3) Whenever the said taxes on any of the said mines or any of the claims therein become four months in arrear it shall be lawful for the Lieutenant-Governor to give notice in writing of not less than one month to the claimholders to pay all the taxes in arrear, and on their failing to do so within the period of the said notice to declare the mine or any such claim therein as the case may be to be forfeited and after notice of such forfeiture to the owner public tenders shall be invited for the working thereof.

(4) The tender that appears most advantageous in

* See section 64.

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the opinion of the Lieutenant-Governor shall be accepted: Provided always that it shall be lawful for the claimholders of any such mines to abandon any claim within the said surface area by giving notice in writing of their intention to do so to the Resident Magistrate; whereupon the mining rights upon such abandoned claims shall fall under the provisions of section 59.

Revenue arising from tender.

62. The net revenue derived by the Government by accepting a tender as provided in the last two preceding sections shall be divided equally between the Crown and the owner.

Application of Ordinance.

63. All "Existing Mines" shall be subject to the provisions of this Ordinance and to regulations made in accordance therewith provided they are not repugnant to the last three preceding sections or to the provisions of any other law in force with reference to such mines;
and provided further

(*a*) That nothing herein contained shall be deemed to annul or vary any lawful contract entered into by the holders of any of the said existing mines with reference thereto prior to the promulgation of this Ordinance;

(*b*) That the provisions of Part X hereof shall not apply to the mine situate at Koffyfontein so long as the water supplied thereto by the Company known as the Koffyfontein Estates, Limited, shall be adequate for the proper working of the said mine or any extension thereof. In case at any time the water so supplied shall be found to be inadequate for the said working the holder of the said mine shall be entitled to obtain water from

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any source provided for in the said Part X under the conditions therein set forth and in case of any dispute between the parties as to whether the said water supply is adequate or not the matter shall be decided by arbitration in manner hereinafter provided;

(*c*) That all rights pertaining respectively to the Koffyfontein Estates, Limited, and to the Jagersfontein Mine and Estate Company, Limited, as embodied in any legal agreement entered into between the said Companies respectively and the Government of the late Orange Free State and subsisting at the date of the annexation of this Colony shall be deemed to subsist and be of effect under the provisions of this Ordinance;

(*d*) That nothing in this Ordinance contained shall hereafter be taken or deemed to affect or in any way limit the rights and powers possessed at the date of the promulgation of this Ordinance by the Koffyfontein Estates, Limited, and the Jagersfontein Mine and Estate Company, Limited, as owners of the respective farms on which the mines of Koffyfontein, Ebenezer, and Jagersfontein are respectively situate, from exercising all the rights, powers and privileges which they the said Companies at the present time respectively lawfully possess as such owners, or from letting or disposing of from time to time to claimholders, future mineholders or lessees of the said respective existing mines such area or areas of ground as they the said claimholders, future mineholders or lessees may respectively hereafter acquire on the said respective farms, for the purpose of depositing

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and washing sites, reef tips, laying down tramways, erecting machinery, compounds, stables and such other buildings as may be necessary for properly carrying on mining operations at such mines respectively. Nothing however in this subsection contained shall be deemed to annul the provisions of sections 20 and 22 in respect of such areas.

Conditions of non-working.

64. The claimholders of any mine in sections 60 and 61 mentioned shall on penalty of forfeiture of their claims carry on mining operations therein to the satisfaction of the Head of the Mines Department unless work is suspended therein with his consent for any of the following reasons:—

(1) That time is required for the erection or repair of machinery or shafts;
(2) The influx or scarcity of water;
(3) A fall of reef on the mine;
(4) Scarcity of labour;
(5) When the *bonâ fide* mining and working expenses of the mine cannot be met by the sale of the precious stones found therein when realised at their true and fair market value;
(6) Any other like reason as to the Head of the Mines Department may seem just.

In the event of any claimholder or claimholders failing to carry on mining operations as aforesaid, it shall be lawful for the Lieutenant-Governor, after one month's notice in writing to the said claimholder or claimholders calling upon them to properly work their claims as aforesaid, to summon the said claimholder or claimholders to show cause to the satisfaction of the High Court why the said claims should not be forfeited and on their failing to show such cause the High Court shall declare the said claims to be forfeited

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and public tenders shall be invited for the working thereof, and the net revenue derivable therefrom shall be divided between the Government and the owner.

PART IX.

ALLUVIAL DIGGINGS.

A.—Duties and Rights of Discoverer.

Discoverer to receive fifty claims.

65. The holder of a license to prospect who shall prove to the satisfaction of the Inspector of Mines that he has found precious stones in alluvium and that there are reasonable prospects for believing that they exist in payable quantities shall receive a certificate from the Resident Magistrate that he is entitled to select fifty claims in a block of a size hereinafter provided at the place where such precious stones have been found; and no license-money shall be payable on the said claims whilst they are held by such discoverer in his own right: Provided always that the Head of the Mines Department is satisfied that a genuine discovery has been made. Upon the granting of such certificate as aforesaid all prospecting except by the holder thereof at the place where such discovery was made and within such distance therefrom as the Head of the Mines Department may determine shall cease.

B.—Right of the Owner of Private Land on which an Alluvial Digging is proclaimed.

Share to which owner is entitled.

66. When the place where precious stones have been discovered shall be proclaimed an alluvial digging under the provisions of this Ordinance the owner of the property on which the said digging or portion thereof is situate shall

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be entitled to select next after the discoverer no more than one hundred claims in a block or a number of claims therein equal to three-tenths of the extent of land proclaimed whichever of the two is greater. It shall further be lawful for the owner at any time after proclamation to peg off for himself on any part of the proclaimed area not held under claim license any number of claims without regard to situation: Provided always that the total number of claims pegged off by him under the provisions of this section shall not exceed one hundred. If such owner is also the discoverer he shall in addition be entitled to the claims mentioned in the last preceding section. All claims falling under the provisions of this section shall be free of license-money and stamp duty in perpetuity.

Owner entitled to half license-money.

67. The owner of any land on which any alluvial digging is proclaimed shall be entitled to demand and receive out of the Public Revenue half of the license-moneys collected in respect of such digging, and the persons appointed in that behalf shall be bound to keep books showing the amount of all such moneys and shall account and pay over to such owner at the end of every three months all sums of money due to such owner as aforesaid, and shall afford to such owner at all reasonable times inspection of such books.

If Lieutenant-Governor does not proclaim.

68. If the Lieutenant-Governor shall not see fit to proclaim an alluvial digging at the place where precious stones have been discovered in alluvium within three months after the date of the certificate mentioned in section 65 of this Ordinance the owner and the discoverer shall be entitled to mark off and work the claims to which they are entitled under the preceding sections as if an alluvial digging had been proclaimed: Provided that such claims

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shall be registered and the provisions of the last three preceding sections shall be applicable thereto as if they were situated on a proclaimed alluvial digging.

C.—Distribution of Claims in an Alluvial Digging.

Pegging off of claims by public.

69. After an alluvial digging has been proclaimed, and after the owner and discoverer have selected the claims to which they are entitled under this Ordinance the remaining area proclaimed shall be available for the pegging off of claims by the public: Provided always that where such remaining area shall in the opinion of the Lieutenant-Governor be too small to be suitable for public pegging it shall be lawful for the Lieutenant-Governor to sell or otherwise dispose of the claims in such remaining area on such terms as he may think fit. And after all expenses connected with the disposal of such claims have been paid the balance of the revenue obtained by such disposal shall be divided equally between the Crown and the owner of the land.

Persons entitled to peg off.

70. Save as is otherwise provided in the last preceding section it shall be lawful for any white person over the age of eighteen years to obtain a license at the office of the Inspector, or should there be no Inspector the Resident Magistrate, entitling him to peg off one claim on the area proclaimed.

Claim license.

71. No person shall so peg off any claim unless he shall have obtained a license therefor as in the last preceding section provided: Provided that it shall be lawful for the Inspector to issue to persons applying therefor a license for a half or quarter claim on payment of a sum proportionate to the fee payable for the whole claim. Any person contravening the provisions of this section

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shall on conviction be liable to a fine of five pounds or in default of payment to imprisonment with or without hard labour for one month.

Time for pegging off.

72. No such pegging off as aforesaid shall be done between sunset and sunrise or on Sundays or Public Holidays. Pegging off at such prohibited times shall be considered illegal and no rights whatever shall arise therefrom.

Regulations.

73. In pegging off claims as aforesaid the regulations in force at any time under the Mining of Precious Metals Ordinance, 1904, or any amendment thereof in respect of the pegging of claims for precious metals shall *mutatis mutandis* apply.

Offences.

74. Any person who shall wilfully peg off a claim in excess of the size provided by this Ordinance shall be liable on conviction thereof to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a period not exceeding six months and shall be liable to forfeit the claim so pegged off by him.

Size of claim.

75. The size of a claim on an alluvial digging shall be ninety feet square.

License fees payable.

76. The license fees payable by the holders of claims or portions of claims on an alluvial digging situate on Crown land or on private land respectively shall be such as may be fixed by the Lieutenant-Governor from time to time: Provided that when no sum has been so fixed the fee shall be one pound per month payable in advance for each claim until altered by the Lieutenant-Governor as aforesaid.

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Land for residence.

77. Every registered claimholder on a proclaimed alluvial digging shall while working his claim be entitled to the use and occupation without extra payment of a piece of land within the proclaimed area for the purpose of erecting a residence for such claimholder and accommodation for his employees. The said piece of land shall be marked out for each claimholder by the Inspector after consultation with the owner.

Change of claim.

78. It shall be lawful for any claimholder in an alluvial digging once during each month for which he holds a claim license in such digging and under such license to move the pegs defining the boundaries of his claim to any other place in the same digging not held under a claim license or reserved under the provisions of this Ordinance and there select a claim, provided that notice thereof shall be given to the Inspector, and on failure to give such notice any claimholder so changing his claim shall on conviction be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Transfer of claim.

79. It shall be lawful for the holder of a claim or portion of a claim on application to the Inspector or the Resident Magistrate should there be no Inspector appointed for the area to transfer his claim or portion of a claim to any person; such transfer shall be registered by the Inspector or the Resident Magistrate, as the case may be, on the payment of a fee of five shillings per claim, but no further stamp or transfer dues shall be payable in respect of such transfer.

Number of claims limited.

80. (1) No person shall be allowed to peg off more than the number of alluvial claims to which he is entitled under the provisions of this Ordi-

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nance on any one proclaimed area or extension thereof.

(2) Nothing in this Ordinance shall prohibit any person from acquiring by transfer any number of claims not exceeding ten, provided always that the transfer has been duly registered as in the last preceding section provided.

(3) Should any person acquire by pegging off or transfer on any one proclaimed digging more than the number of claims to which he is entitled he shall be liable on conviction to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding three months and shall in addition thereto forfeit all such claims as he may have acquired in excess of the number to which he is entitled.

License fees on claims not worked to be doubled.

81. Whenever it shall appear to the Head of the Mines Department that any claimholder is not properly working at least one of the claims held by him it shall be lawful for the said Head of the Mines Department to give to the said claimholder notice in writing to properly work at least one of the said claims within three months of the date of the said notice, and in case such claimholder shall fail within the said period to work at least one claim as aforesaid to the satisfaction of the Head of the Mines Department the license fees payable on all the claims held by the said claimholder after the expiration of the said period shall be doubled until such proper working as aforesaid is carried on.

Forfeiture of claim on non payment of license fees.

82. In case the said claimholder shall after the expiration of the said period fail, refuse or neglect to pay the

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double license fees aforesaid it shall be lawful for the Head of the Mines Department to declare the claims held by the said claimholder to be forfeited.

D.—Abandoned Alluvial Diggings.

Sections 58 and 59 apply.

83. The provisions of sections 58 and 59 of this Ordinance shall apply *mutatis mutandis* to alluvial diggings.

E.—Diggers' Committee.

Diggers' Committee.

84. It shall at all times be lawful for the Lieutenant-Governor to make such regulations for the election of a Diggers' Committee for any alluvial digging or portion thereof as he may deem fit and to define from time to time, as occasion may require, the duties, powers, functions and authorities of such Diggers' Committee and to make rules for the guidance of the same. The Inspector in charge of the digging shall *ex officio* be chairman of the Committee.

Should no such Committee be elected or should a Committee cease to exist the Inspector shall have the power to carry out the duties of such Committee under any regulations so framed.

For one or more diggings.

85. The Lieutenant-Governor may direct that one Diggers' Committee shall be elected for one or more alluvial diggings as he may deem advisable and in such manner as he may deem fit.

May be dissolved.

86. The Lieutenant-Governor may at any time direct that any Diggers' Committee shall be abolished or dissolved.

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PART X.*

WATER RIGHTS.

Mines.

Appropriation of water by mineholder.

87. Every mineholder shall be entitled with the consent of the Inspector

(1) To select and acquire from the owner, with or without his consent, the use of a piece of land outside the mining area for the purpose of constructing a dam or reservoir: Provided that no land shall be acquired as aforesaid without the owner's consent on which there shall be any homestead or other buildings, burial-grounds, gardens, orchards or lands under irrigation.

(2) To take from any natural running river, stream or water-course upon the owner's land water to the use of which the said owner may be entitled for the purpose of working the mine, and to acquire from such owner a piece of land for the erection of a pumping station: Provided that a sufficient supply of water be left to the owner or his representative or lessee for household and agricultural purposes and for watering his stock.

(3) For the said purpose to lead water by means of pipes, ducts, furrows or otherwise from such dam or water-course to the mining area.

Payment† shall be made to the owner by the mineholder for the acquisition of any of the aforesaid rights upon such

---

* This Part is not applicable to the mine at Koffyfontein in certain circumstances, see section 63 (*b*).

† See section 47.

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terms as may be mutually agreed upon or failing such agreement as may be determined by arbitration in manner hereinafter provided:

Provided always that no holder of any mine shall be entitled to acquire or exercise any of the aforesaid rights in such a manner as to interfere with the rights in respect of an existing water supply of any holder of another mine actually being worked.

Rights acquired to revert to owner.

88. In the event of the mine being deproclaimed the rights to and over any land acquired under the provisions of the last preceding section, together with any buildings or improvements other than movable structures and machinery erected on such land, shall revert to the owner.

Right of mineholder to lead water.

89. In the event of any mineholder acquiring the right to water on any land other than that on which the mine is situated, he shall be entitled to lead such water to the mine by pipes, ducts, furrows or otherwise from and over any land to whomsoever it may belong, after giving notice in writing to the owner or occupier of the land over which it is desired to exercise such right and on payment* to such owner or occupier of such compensation as may be mutually agreed upon, or failing such agreement as may be determined by arbitration in manner hereinafter provided.

Alluvial Diggings.

Right of claimholder to water.

90. Every claimholder on an alluvial digging shall have the right of access to any natural river, stream, pool or water-course within the proclaimed area of the said digging and shall be entitled to take water therefrom for mining or domestic purposes subject to the following provisions:—

* See section 47.

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(1) Sufficient water shall at all times be left for the use of the owner for agricultural and domestic purposes and for watering his stock.

(2) In case of dispute between the owner and any claimholder or claimholders as to the quantity of water required by the owner for the said purposes the question shall be referred for decision to the Head of the Mines Department.

(3) The quantity of water to which each claimholder respectively shall be entitled after the said requirements of the owner have been satisfied shall when necessary be regulated by the Inspector subject to an appeal to the Lieutenant-Governor by any aggrieved party.

Claimholder to have a right to construct dams, etc., or lead water under license.

91. No claimholder shall have the right within any alluvial digging to construct a dam or weir in any natural running water-course, or to lead any pipe, duct or furrow therefrom without having obtained a license as is hereinafter provided. Any person contravening the provisions of this section shall on conviction be liable to a fine not exceeding five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

Only after application to Inspector.

92. In case any claimholder desires to construct a dam within the proclaimed area or to construct any weir or lead any water by means of any pipe, duct or furrow therefrom or from any natural running water-course within the said area he shall apply to the Inspector for permission so to do. On receipt of such application the Inspector shall give notice to the owner and all claimholders that should no objection be lodged within fourteen days of the date thereof he will issue a license to the applicant to construct such

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dam or weir or lead such water as aforesaid. Should any such objection be lodged within the said period the Inspector shall after hearing evidence on both sides decide whether such application be granted or refused. An appeal against the decision of the Inspector may be made within seven days to the Head of the Mines Department, failing which the decision of the Inspector shall be final.

Owner's rights protected.

93. Nothing in this Ordinance shall be construed to grant to any claimholder any right to take or use any water from any dam not so constructed by him as aforesaid, or from any well, furrow or other artificial source, save as aforesaid, within the area of an alluvial digging, without the consent of the owner.

PART XI.

RIGHT TO FIREWOOD.

Owner may dispose of wood.

94. All wood growing on a proclaimed digging, mine or mining area shall belong to the owner of the land or farm who shall have the right of disposing of it as he thinks fit.

Holder may cut down wood that interferes.

95. All wood growing on a claim or mine that interferes with the proper development thereof may be cut down by the holder of the said proclaimed digging, mine or mining area, but the wood shall remain the property of the owner.

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PART XII.

STANDS.

Person holding an alluvial claim entitled to stand.

96. Any person holding an alluvial claim shall be entitled to obtain on application to the Inspector, for every separate claim or block of claims held by him, a stand or stands one hundred and fifty feet square for the erection of mining plant or machinery or for use as a tailings site for the purpose of exploiting such claim: Provided always that the stand applied for is within the proclaimed area and is not held by any other person as a claim, or reserved to the owner under the provisions of section 26.

Stand license.

97. Every application for the said stands mentioned in the last preceding section shall bear a stamp of two shillings and sixpence.

On receipt of such application the Inspector may grant a stand license to the applicant for each stand to which he is entitled as aforesaid should there be no well-founded objections thereto and shall thereupon define the boundaries thereof.

A license fee of two shillings and sixpence per month payable in advance shall be charged for each stand license so granted for mining purposes.

Trading stands.

98. No person not being a claimholder shall save as hereinbefore provided be permitted to occupy any stand or plot of land on a proclaimed alluvial digging or to erect any building thereon: Provided that it shall be lawful for the Head of the Mines Department to issue to persons approved by him licenses for trading stands on the said area not exceeding one for every hundred existing claim licenses; provided also that such license shall not entitle the holder

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to a stand on any area which in the opinion of the Inspector is alluvial. All applications for such trading stands shall bear a stamp of five shillings and the license fee shall be one pound per month payable in advance. Any person contravening the provisions of this section shall on conviction be liable to a fine not exceeding twenty-five pounds or imprisonment with or without hard labour for a period not exceeding three months.

Township cannot be founded on proclaimed land.

99. It shall not be lawful for the Government to grant the right to found a township on any proclaimed mine, mining area or alluvial digging unless the land required for such a township has been previously deproclaimed as hereinbefore provided.

Law relating to township to apply.

100. An application to found a township on such deproclaimed land shall be dealt with as provided in Law 6 of 1894 or any law hereafter to be enacted with the object of controlling the founding of townships.

Stand license moneys to be divided between owner and Government.

101. All stand license-moneys collected by the Government shall be divided equally between the owner of the farm or piece of land on which they are situated and the Government:

Provided always that nothing in this Part shall apply to the existing mines and townships situated at Jagersfontein and Koffyfontein.

PART XIII.

COMPOUNDS AND SEARCHING EMPLOYEES.

Erection of compounds.

102. No holder of any interest in a mine or alluvial digging shall hereafter erect a compound for the accom-

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modation of coloured employees until he shall have given notice of his intention to do so to the Inspector accompanied by plans in duplicate and shall have satisfied the Inspector that proper sanitary arrangements are made in respect of the said compound.

Regulations for.

103. It shall be lawful for the Lieutenant-Governor for the proper working, control and administration of compounds from time to time to make, alter and revoke regulations and by such regulations to impose fines and penalties for the contravention thereof, as he may think fit for the following purposes :—

(1) Limiting the period of time for which labourers in compounds shall be contracted and the manner in which they shall be paid their wages.

(2) Determining the places by which persons may leave or enter the mining area.

(3) Fixing the manner of selling goods, wares and merchandise to such labourers confined in compounds and the place or places at which such goods, wares and merchandise shall from time to time be purchased by the person or persons having legal control of compounds.

(4) Generally for the good government of compounds.

(5) Appointing an officer with full power to enforce the carrying out of all regulations framed thereunder.

Provided that in no case shall any goods be sold within the compounds to natives by the mineholder or persons having the legal control of the compounds at a price beyond their cost to such mineholder or persons together with the actual cost of distribution.

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Promulgation of regulations.

104. All regulations framed by virtue of the last preceding section shall be published in the *Gazette* and upon the expiration of fourteen days after such publication shall be of full force and effect.

Lieutenant-Governor may exempt any mine.

105. It shall be lawful for the Lieutenant-Governor from time to time to exempt any mine from the operation of all or any regulations framed and promulgated under the last two preceding sections in respect of the control, management and working of any compound for such time as he may think fit should the circumstances of such compound demand such exemption.

Search regulations.

106. It shall be lawful for the Lieutenant-Governor from time to time to make regulations for carrying out and enforcing a proper and efficient system of searching all persons employed in and about a mine, prospecting area or alluvial digging and by such regulations to impose such fines and penalties for the contravention thereof as he may think fit. Such regulations shall be published in the *Gazette* and on the expiration of fourteen days after such publication shall be of full force and effect.

All persons leaving mining area may be searched.

107. It shall be lawful for every mineholder or claimholder to cause all persons, whether employed by him or not within any mine, mining area or claim and in any compound or building erected thereupon to be searched every time they leave the place in which they are employed or the mining area, subject to any regulations as to the manner and place and the persons by whom such search may be conducted as may be issued as aforesaid.

Persons suspected of contravening Chapter CXIX may be searched.

108. It shall be lawful for the Inspector to cause to be searched any person whom he may have reasonable grounds to suspect of contravening the provisions of Chapter CXIX

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of the Law Book whether within or without any proclaimed mine or mining area.

PART XIV.

MISCELLANEOUS.

Procedure in arbitration.

109. Whenever under the provisions of this Ordinance any matter is to be determined by arbitration the following provisions shall apply:—

(1) Each party to the reference shall appoint an arbitrator. Such appointment shall be in writing and shall remain in force unless revoked by the consent of both parties and in case of the death of one or more of the parties shall be binding on the successors, heirs or assigns of the deceased.

(2) In case any party fail to appoint an arbitrator within one month after written notice of reference to arbitration has been served upon him by the other party the arbitrator appointed by the party giving such notice shall act as sole arbitrator and his award shall be binding on all the parties concerned.

(3) When two arbitrators have been duly appointed as aforesaid they shall before proceeding to act appoint an umpire and in case of their failing to agree on such appointment a Judge of the High Court may on application by either or both parties appoint an umpire.

(4) If at any time before the award is given an arbitrator shall die or refuse or become unable to act the party by whom he was appointed shall in

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writing appoint another arbitrator in his place. In case such party fail to make such appointment within eight days after receiving notice in writing to that effect from the opposite party the umpire (if appointed) shall appoint the said arbitrator and in default thereof one or both parties may apply to a Judge of the High Court for the appointment of such arbitrator.

(5) The decision of the said sole arbitrator or arbitrators as the case may be or, in case of the disagreement of the said arbitrators, the decision of the umpire shall be final and binding on all parties to the reference.

(6) The decision as to costs shall be at the discretion of the said arbitrator, arbitrators or umpire as the case may be.

(7) The award of the said arbitrator, arbitrators or umpire may be made a judgment or order of the High Court on application in Chambers for that purpose made by any of the parties concerned.

(8) The High Court or one of the Judges thereof shall be competent to order persons other than the parties concerned in the arbitration to appear before the arbitrator, arbitrators or umpire to give evidence on oath or to produce documents having reference to the points in dispute and disobedience of any such order shall be deemed and treated as contempt of the said Court: Provided that persons so ordered to appear shall be entitled to the same witness fees as witnesses summoned before the said Court in civil cases; and provided that no witness may be compelled to give any evidence or to produce any document which he

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could not have been compelled to give or produce before the said Court.

Penalty for prospecting without license.

110. (1) Any person prospecting for precious stones without a prospecting license on Crown land, or on private land unless he be the owner thereof, shall on conviction be liable to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months.

(2) Any person digging for precious stones on alluvial ground without a claim license shall be liable on conviction to the penalties prescribed in sub-section (1) hereof.

Penalty for contravention of regulations.

111. Any person who may be convicted before a competent Court of contravening any of the regulations framed under the provisions of this Ordinance shall on conviction be liable to such penalties as may be by the said regulations prescribed not in any case exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Covering penalty clause.

112. In case no penalty is fixed for the contravention of any provisions contained in this Ordinance or any regulation thereunder the penalty for such contravention shall be a fine not exceeding ten pounds or in default of payment imprisonment with or without hard labour for a period not exceeding one month.

Action by Diggers' Committee

113. All actions brought by or against a Diggers' Committee shall be brought by or against the Chairman of such Committee.

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Permit to purchase explosives.

114. Notwithstanding any provisions of law to the contrary it shall be lawful for the Resident Magistrate to issue to a licensed prospector, claimholder or mineholder a permit entitling him to purchase explosives up to but not exceeding one hundred pounds in weight per week: Provided that such explosives be used for *bonâ fide* prospecting or mining purposes only. On each such permit a stamp fee of one shilling shall be charged.

Penalty.

115. Any prospector or person mentioned in the last preceding section who shall use or dispose of explosives so obtained for any other purpose than prospecting or mining shall on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Erection of Government buildings.

116. The Government shall have the right to erect on any land proclaimed under this Ordinance any necessary Government buildings and to occupy such buildings as long as the proclamation continues in effect and without payment.

The position of such buildings shall be determined by the Inspector and the land required for such purpose shall be properly beaconed off and reserved from mining operations.

No site for a building shall be chosen that may interfere with any registered claims or mining operations.

The buildings mentioned in this section shall always remain the property of the Government, and on deproclamation may be removed without compensation to the owner.

When part of alluvial digging is discovered to be a mine.

117. (1) When any portion of land proclaimed an alluvial digging is discovered to be a mine

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within the meaning of this Ordinance notice of such discovery shall be given by the person making it similar to that required by section 14 of this Ordinance, and on failure to give such notice he shall be liable to the penalties provided in that section.

(2) It shall be lawful for the Lieutenant-Governor to proclaim a mine at the place where such discovery is made and thereupon the provisions of this Ordinance with respect to such mine shall apply as if the said land had not been proclaimed an alluvial digging: Provided that a reasonable time shall be allowed to enable any holder of an alluvial claim within the area proclaimed a mine or mining area to work out his claim to a depth of ten feet from the surface.

Books to be kept by Magistrate.

118. In any district where prospecting or mining is being carried on the Resident Magistrate of the district shall open such books and keep such records as are prescribed by this Ordinance or any regulations made thereunder. He shall also collect all direct mining taxes and issue claim and prospecting licenses and he shall render monthly statements of accounts to the Colonial Treasurer.

Fee for inspection.

119. All mining books and records kept by the Resident Magistrate shall be open to inspection by any member of the public on payment of a fee of one shilling and sixpence.

In case of written information being supplied an amount of five shillings shall be paid in each case.

Special officer.

120. It shall be lawful for the Lieutenant-Governor to appoint a special officer if necessary in any district to

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relieve the Resident Magistrate of the duties prescribed by this Ordinance.

Power of officers.

121. All officers appointed under the "Mining of Precious Metals Ordinance, 1904," shall *mutatis mutandis* be vested with similar authority under this Ordinance and shall be subject to the same obligations.

Payment of fees by stamps.

122. All fees prescribed by this Ordinance with the exception of the fees payable for claim licenses and the taxes prescribed in section 42 shall be paid by the persons by whom they are due and payable in the form of adhesive revenue stamps to be affixed to the documents to which they refer and cancelled by the officer by whom they are received.

Provisions of Part I of Ordinance 21 of 1902 to apply.

123. The provisions of Part I of the Police Offences Ordinance, 1902, shall apply to all mines, mining areas and diggings including existing mines whereon any mining for precious stones is being carried on.

Magistrates' Courts to have jurisdiction.

124. The Courts of the Resident Magistrates shall have jurisdiction to try all contraventions of the provisions of this Ordinance, save and except sections 16 and 17 and of any regulations having the force of law thereunder, and to inflict any of the penalties therein prescribed. All prosecutions under this Ordinance or any such regulation may be conducted by the Public Prosecutor in the said Courts or by the Inspector of Mines for the district.

Chapter CXIX to apply to all precious stones.

125. The provisions of Chapter CXIX of the Law Book shall be deemed to apply to all precious stones falling under the provisions of this Ordinance.

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Repeal of laws.

126. The laws mentioned in Schedule A hereto annexed to the extent expressed therein shall be and the same are hereby repealed.

Title.

127. This Ordinance shall be known and may be cited as the "Mining of Precious Stones Ordinance, 1904."

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SCHEDULE A.

LAW.	SUBJECT.	EXTENT OF REPEAL.
Chapter CXVI of the Law Book	Mining for Precious Stones (Diamonds)	The whole.
Chapter CXX of the Law Book	The Search System on Diamond Diggings	The whole.
Chapter CXXI of the Law Book	The Jagersfontein Diggings and Town	Articles 44, 48, 49, and 51.
Chapter CXXII of the Law Book	Certain Government Officials at Jagersfontein	The whole.
Law 27 of 1894	Prospecting for, Developing and Working Precious Metals, Precious Stones and Minerals on Government Lands	In so far as it affects precious stones.
Law 13 of 1896	Prospecting on Government Land	The whole.
Law 38 of 1896	Compound System	The whole.
Law 10 of 1898	Unproclaimed Diggings	In so far as it affects precious stones.
Law 13 of 1898	Provisions and Clothing in Compounds on Public Diggings	The whole.
Law 16 of 1899	Supplementing and Amending Chapter CXVI of the Statutes (Diamond Law)	The whole.
Law 27 of 1899	To Supplement and Amend Law No. 10, 1898, on Unproclaimed Diggings	The whole.
Law 29 of 1899	To Amend and Supplement Chapter CXX of the Statutes, Search System on Diamond Diggings	The whole.

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SCHEDULE B.

The figures in this Schedule are based on the assumption that the owner £10,000; 3rd Year, £5,000; and that after the third Year no further Capital is

Year.	£ s. d.	£ s. d.	£ s. d.
1900—Working Capital employed, Jan. ...	20,000 0 0		
,, ,, ,, Feb. ...	18,000 0 0		
,, ,, ,, March	12,000 0 0		
,, ,, ,, April ...	7,000 0 0		
,, ,, ,, May ...	7,000 0 0		
,, ,, ,, June ...	7,000 0 0		
,, ,, ,, July ...	6,000 0 0		
,, ,, ,, Aug. ...	6,000 0 0		
,, ,, ,, Sept. ...	7,000 0 0		
,, ,, ,, Nov. ...	10,000 0 0		
		100,000 0 0	
Interest at 10 per cent. on above Working Capital for periods shown		6,166 13 4	
			106,166 13 4
1901—Balance carried from last year's A/c		95,000 0 0	
Additional Working Capital employed, Feb.	5,000 0 0		
,, ,, ,, ,, June	2,500 0 0		
,, ,, ,, ,, Nov.	2,500 0 0		
		10,000 0 0	
Interest at 10 per cent. per annum on above Working Capital for periods shown on £105,000		10,062 10 0	
			115,062 10 0
1902—Balance carried from last year's A/c		88,500 0 0	
Additional Working Capital employed, March	2,500 0 0		
,, ,, ,, ,, June	2,500 0 0		
		5,000 0 0	
Interest at 10 per cent. per annum on above Working Capital for periods shown on £93,500		9,162 10 0	
			102,662 10 0
1903—Bal. carried forward from last year's A/c		72,850 0 0	
Interest at 10 per cent. per annum on £72,850		7,285 0 0	
			80,135 0 0
1904—Bal. carried forward from last year's A/c		63,135 0 0	
Interest at 10 per cent. per annum on £63,135		6,313 10 0	
			69,448 10 0
1905—Bal. carried forward from last year's A/c		57,448 10 0	
Interest at 10 per cent. per annum on £57,448 10s.		5,744 17 0	
			63,193 7 0
1906—Bal. carried forward from last year's A/c		35,193 7 0	
Interest at 10 per cent. per annum on £35,193 7s.		3,519 6 8	
			38,712 13 8
1907—Bal. carried forward from last year's A/c		12,212 0 0	
Interest at 10 per cent. on £12,212 to 30th June, 1907		606 2 0	
			12,818 2 0
Total Working Capital and Interest			£163,860 9 0

So that on the 1st July, 1907, the Crown would be entitled to

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SCHEDULE B.

puts the following Working Capital into the Mine, viz., 1st Year, £100,000; 2nd Year, required. The net profits shown are, of course, purely fictitious.

Year.	£ s. d.	£ s. d.	£ s. d.
1900—Net Profits for the Year as per Balance Sheet, say		11,166 13 4	
Balance carried to next year's Account		95,000 0 0	
			106,166 13 4
1901—Net Profits for the Year as per Balance Sheet, say		26,562 10 0	
Balance carried to next year's Account		88,500 0 0	
			115,062 10 0
1902—Net Profits for the year as per Balance Sheet, say		29,812 10 0	
Balance carried to next year's Account		72,850 0 0	
			102,662 10 0
1903—Net Profits for the year as per Balance Sheet, say		17,000 0 0	
Balance carried to next year's Account		63,135 0 0	
			80,135 0 0
1904—Net Profits for the year as per Balance Sheet, say		12,000 0 0	
Balance carried to next year's Account		57,448 10 0	
			69,448 10 0
1905—Net Profits for the year as per Balance Sheet, say		28,000 0 0	
Balance carried to next year's Account		35,193 7 0	
			63,193 7 0
1906—Net Profits for the year as per Balance Sheet, say		26,500 13 8	
Balance carried to next year's Account		12,212 0 0	
			38,712 13 8
1907—Net Profits to 30th June, 1907, as per Balance Sheet, say		12,818 2 0	
Balance		*Nil.*	
			12,818 2 0
Total Net Profits			£163,860 9 0

commence to receive its share in the produce of the mine.

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SCHEDULE C.

LICENSES AND FEES.

Prospecting.

		SECTION
To prospect on Crown Land	5/- a month	... 10
Registration of Prospecting License (Crown Land)	2/6 ...	... 10
To Prospect on Private Land	5/- a month	... 11
Registration of Prospecting License (Private Land)	2/6 ..	... 11

Mining.

Tax on every Claim	5/- a month	... 42
Claim Licenses (Proclaimed Mine) ...	10/- a month	... 60
Tax (Unproclaimed Mine)	5/- a month	... 61
Transfer of Interest in Mine, Duty on	1 per cent.	... 55
Stamps on Transfer of Interest ...	£2 ...	... 55

Alluvial.

Claim License	(as fixed by Lieutenant-Governor)	
Otherwise	£1 a month	... 76
Transfer of Claim, Registration of ...	5/- ...	... 79
On Claims not worked, Licenses to be doubled ...		... 81

Stands.

Application for Stand, Stamp on ...	2/6 ...	... 97
License Fee	2/6 a month	... 97
For Trading Stand, Stamp on application	5/- ...	... 98
For Trading License	£1 a month	... 98
Permit to Purchase Explosives, Stamp on	1/- ...	... 114

Inspection Fees.

Books and Records	1/6 ...	... 119
Written information	5/- ...	... 119

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ORDINANCE

Regulating the Mining of Base Metals and Minerals.

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No. 8 of 1904.] [17th June, 1904.

Ordinance

REGULATING THE MINING OF BASE METALS AND MINERALS.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Metals to which Ordinance shall apply.

1. The provisions of this Ordinance shall be applicable to the following metals and minerals, namely :—tin, copper, iron, zinc, lead, cinnabar, coal, petroleum, oil shale, sulphur and chloride of sodium (salt) and such other metals or minerals other than gold, silver or precious stones as the Lieutenant-Governor shall from time to time by Proclamation declare to be subject thereto.

Right of owner to prospect.

2. It shall be lawful for every owner of land to prospect within the boundaries of such land freely and without license.

Right of any white person to prospect with owner's permission and on obtaining license.

3. Any white person having obtained permission in writing from the owner or owners of a farm or piece of land to prospect thereon shall be entitled to obtain from the Resident Magistrate of the district a prospecting license in respect of such land on payment of a registration fee of two shillings and sixpence and a monthly license fee of five shillings payable each month in advance. On the said license shall be stated the period for which the same

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is granted, but such period shall not exceed the term (if any) stated in the aforesaid permission.

Every such license shall entitle the holder thereof to employ not more than six white persons besides coloured persons drawing wages for the purpose of prospecting on the said land without further license, but an additional license shall be required for every six additional white persons so employed.

Right of Head of Mines Department to inspect prospecting works.

4. When the owner of private land either prospects himself or has given permission to any other person to prospect thereon the Head of the Mines Department or his deputy shall have the right to enter upon such land in order to inspect such prospecting.

Lieutenant-Governor may grant licenses to prospect on Government land.

5. (1) It shall be lawful for the Lieutenant-Governor to grant to persons or companies applying therefor a license to prospect on Crown lands for base metals or minerals on conditions to be laid down by written agreement but subject always to the provisions of this Ordinance.

(2) Such agreement shall specify the terms on which the prospector shall be entitled to mine and work any base metals or minerals on such land, but in no case shall the amount payable to the Government under such agreement be less than a royalty of two-and-a-half per centum on the value of the metal or mineral won.

(3) Any person not being a holder of a license as aforesaid prospecting on Crown land shall on conviction be liable to a fine not exceeding thirty pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

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Lands included in Crown land.

6. All lands alienated by the Crown or held under agreement to purchase from the Crown with a reservation thereto of any base metals or minerals shall be deemed to be Crown land for the purpose of prospecting and mining for such metals or minerals.

Permission to prospect to be obtained from lessee of Crown land.

7. No prospecting shall take place on any Crown land which is leased or held as described in the last preceding section unless the written consent shall have been first obtained from the lessee, or the owner of the land as the case may be, or unless security shall have been given to the satisfaction of the Resident Magistrate of the district for compensation to be paid to the said lessee or owner for any direct damage or loss which may be caused to him by prospecting on such land.

Any person contravening the provisions of this section shall be liable to a fine not exceeding ten pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Discoveries must be notified.

8. It shall be the duty of every person who shall discover on any land any base metals or minerals to give notice in writing thereof to the Inspector of Mines or the Resident Magistrate of the district.

Any such person who shall fail to give such notice within sixty days of such discovery shall be liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Penalty for "salting."

9. Any person placing or causing to be placed any base metals or minerals in any place with intent to mislead another person shall be liable on conviction to a fine not exceeding one hundred pounds and in default of payment

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is granted, but such period shall not exceed the term (if any) stated in the aforesaid permission.

Every such license shall entitle the holder thereof to employ not more than six white persons besides coloured persons drawing wages for the purpose of prospecting on the said land without further license, but an additional license shall be required for every six additional white persons so employed.

Right of Head of Mines Department to inspect prospecting works.

4. When the owner of private land either prospects himself or has given permission to any other person to prospect thereon the Head of the Mines Department or his deputy shall have the right to enter upon such land in order to inspect such prospecting.

Lieutenant-Governor may grant licenses to prospect on Government land.

5. (1) It shall be lawful for the Lieutenant-Governor to grant to persons or companies applying therefor a license to prospect on Crown lands for base metals or minerals on conditions to be laid down by written agreement but subject always to the provisions of this Ordinance.

(2) Such agreement shall specify the terms on which the prospector shall be entitled to mine and work any base metals or minerals on such land, but in no case shall the amount payable to the Government under such agreement be less than a royalty of two-and-a-half per centum on the value of the metal or mineral won.

(3) Any person not being a holder of a license as aforesaid prospecting on Crown land shall on conviction be liable to a fine not exceeding thirty pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

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Lands included in Crown land.

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Permission to prospect to be obtained from lessee of Crown land.

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Penalty for "salting."

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to imprisonment with or without hard labour for a period not exceeding twelve months.*

Prohibition to mine or prospect on proclaimed areas.

10. It shall not be lawful for any person to prospect or mine for base metals or minerals on any mynpacht, claim, stand, diamond mine or mining area, or on any and whereon any mining water right subsists, held by any person on any area proclaimed under the provisions of the "Mining of Precious Metals Ordinance, 1904," or the "Mining of Precious Stones Ordinance, 1904," unless the written permission of the holder of the aforesaid mynpacht, claim, diamond mine or mining area, water right or stand has been previously obtained, or unless the person who desires so to prospect or mine shall have given security to the Resident Magistrate for the payment of all claims for compensation as they may arise and be determined. In the absence of agreement between the parties concerned the amount of such compensation shall be determined by arbitration in manner provided in section 8 of the "Mining of Precious Metals Ordinance, 1904."

Prohibition to mine or prospect in certain places

11. (1) Prospecting and mining shall be prohibited on such places as the Lieutenant-Governor may from time to time by notice in the *Gazette* exclude therefrom.

(2) Nor shall it be lawful without the consent of the Lieutenant-Governor to prospect or mine on any public squares, parks, streets, railways, roads, burial-grounds or public works or within two hundred yards of any surveyed erven in a recognised town or village.

Any person contravening the provisions of

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* See section 22.

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this section shall be liable to a penalty not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Lieutenant-Governor may make regulations or certain purposes.

12. It shall be lawful for the Lieutenant-Governor by notice in the *Gazette* from time to time to frame, amend and repeal regulations and by such regulations to prescribe penalties for the contravention thereof, for the administration of this Ordinance and in particular for the following purposes:—

(1) The safety of persons employed in prospecting and in working a mine and the responsibility thereof.

(2) The qualification and licensing of persons employed as mine managers, mine captains, engine drivers and those employed in blasting operations, and the prohibition of the employment of unqualified persons as such.

(3) The control of coloured persons employed on mines.

(4) Appeals against the decision of the Inspector of Mines.

(5) The sanitation of mines and areas occupied in respect of the working thereof.

(6) The obtaining of returns, plans and other statistics with reference to mining and prospecting for base metals and minerals.

(7) The storage, receipt, transport and distribution of explosives.

Failing the issue of such regulations any regulations promulgated under the provisions of the "Mining of Precious Metals Ordinance, 1904," in respect of the said matters shall *mutatis*

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mutandis be deemed to have been issued under the provisions of this Ordinance, and to apply to the prospecting or mining of base metals or minerals as the case may be.

Mining Inspectors may demand statistics.

13. It shall be lawful for the Mining Inspectors appointed under the said Ordinances to obtain from all persons or companies prospecting or mining for base metals or minerals all such statistics as may be prescribed in the regulations mentioned in the last preceding section. Any person wilfully refusing or omitting to supply such statistics within the time specified in such regulations shall on conviction be liable to a fine not exceeding twenty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding four months.

Duties of officials.

14. All officials appointed under the "Mining of Precious Metals Ordinance, 1904," shall *mutatis mutandis* be vested with similar authority under this Ordinance and shall be subject to the same obligations.

Records to be kept by Magistrate.

15. In any district where prospecting or mining for base metals or minerals is being carried on the Resident Magistrate shall open such books and keep such records as are necessary under the provisions of this Ordinance or any regulation framed thereunder. He shall also collect all direct mining taxes and issue prospectors' licenses and shall be bound to render monthly statements of accounts to the Colonial Treasurer.

Lieutenant-Governor may appoint special officials.

16. It shall be lawful for the Lieutenant-Governor to appoint a special officer if necessary in any district to relieve the Resident Magistrate of the duties prescribed by this Ordinance.

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Records kept by Magistrate to be open to inspection.

17. All mining books and records kept by the Resident Magistrate shall be open to inspection by any member of the public on payment of a fee of one shilling and sixpence. In case of written information being supplied a fee of five shillings shall be charged.

Lieutenant-Governor may order payment of royalty.

18. (1) It shall be lawful for the Lieutenant-Governor from time to time to authorise by Proclamation in the *Gazette* the collection on behalf of the Government of a tax not exceeding one-and-a-half per centum of the value of any base metal or mineral won and to make regulations in respect of the collection thereof. The said value shall be the market value of such base metal or mineral on the mining property.

(2) Such tax may be described in the Proclamation as a percentage of the value or as a definite sum per ton or in respect of any other unit of weight or measurement: Provided that the amount to be collected shall not exceed one-and-a-half per centum of the value of the metal or mineral won as aforesaid.

(3) All sums payable by way of tax as aforesaid shall be lodged with the Resident Magistrate of the district in which the mine is situated at the end of each half year together with a sworn statement showing the amount and value of the base metal or mineral won during the said half year.

If payment of tax or royalty is in arrear.

19. In the event of any person or company being six months in arrear in the payment of any tax or royalty due to the Government under this Ordinance it shall be lawful for the Lieutenant-Governor after giving one month's notice

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to cause an attachment to be made of the metals or minerals and of the movable and immovable property found on the mine of which the said person or company is the owner. Such metals, minerals and movable or immovable property so attached shall be dealt with, treated and considered to all intents and purposes as if the same had been attached under process of execution made upon a judgment of a competent Court.

Books to be kept by mines, open to inspection.

20. Every person or company mining for base metals or minerals shall keep accurate accounts in proper books of the quantity and other details of the metals or minerals won and of the revenue derived therefrom and statements thereof shall be sent in yearly to the Head of the Mines Department before the thirty-first day of July.

The said books shall always be open to inspection by the Head of the Mines Department and the Auditor-General or their respective deputies.

Any contravention of this section shall be punished by a fine not exceeding ten pounds or in default of payment by imprisonment with or without hard labour for a period not exceeding three months.

Part I of Ordinance 21 of 1902 to apply.

21. The provisions of Part I of the Police Offences Ordinance, 1902, shall apply to all mines worked under the provisions of this Ordinance.

Resident Magistrates' Courts to have jurisdiction.

22. The Courts of the Resident Magistrates shall have jurisdiction to try all contraventions of the provisions of this Ordinance, save and except section 9 thereof, and of any regulations having the force of law thereunder, and to inflict any of the penalties therein prescribed.

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All prosecutions under this Ordinance or any such regulations may be conducted by the Public Prosecutor in the said Courts or by the Inspector of Mines for the district.

23. This Ordinance may be cited as the "Mining of Base Metals Ordinance, 1904." Title.

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MINES REGULATIONS.

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No. 217—1904.

GOVERNMENT NOTICE.

MINES REGULATIONS.

The subjoined Mines Regulations, framed by virtue of powers vested in the Lieutenant-Governor by

Section 6 of Ordinance No. 3 of 1904,

Section 6 of Ordinance No. 4 of 1904,

Section 12 of Ordinance No. 8 of 1904,

and confirmed by the Executive Council, are published for general information.

J. A ASHBURNHAM,
Acting Colonial Secretary.

Colonial Secretary's Office,
Bloemfontein, 13th June, 1904.

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Mines Regulations.

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PART I.

INTERPRETATION OF TERMS UNDER THESE REGULATIONS.

Banksman. 1. The term "Banksman" shall be taken to mean a European person stationed at the shaft top specially authorised by the manager to supervise the loading and unloading of persons in the cage or skip, and who gives the necessary signals to the engine-driver.

Engine. The term "Engine" shall be taken to mean an arrangement of machinery which converts physical into mechanical power.

Explosives. The term "Explosives" shall be taken to mean nitro-glycerine, dynamite, or any other nitro-glycerine compound, gun-cotton, blasting powder, detonators, and every other substance—whether similar to these mentioned or not—used in mining operations with a view to produce a practical effect by explosion.

Ganger. The term "Ganger" shall be taken to mean a person in charge of a gang of workmen in one or more working places in or at a mine, but he shall not conduct blasting operations unless he be the holder of a blasting certificate.

Manager. The term "Manager" shall be taken to mean the European person registered as responsible under these

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regulations for the control, management, and direction of a mine or works.

The term "Reef" shall be taken to mean a vein, bed or deposit, other than a surface alluvial deposit, containing minerals. Reef.

The term "Safety Pillar" shall be taken to mean every portion of a reef or mineral deposit left "*in situ*" for the support and protection of surface objects or underground workings. Safety pillar.

The term "Shaft" shall be taken to mean any vertical or inclined way or opening from the surface downwards which is or might be used for winding, draining, travelling or ventilating purposes in connection with prospecting or mining operations. Shaft.

The term "Shift Boss" shall be taken to mean the person in charge during a shift in a section of or in all the underground works of a mine, acting under the instructions of the mine overseer. Shift boss.

The term "Steeply Inclined" in connection with shafts, or winzes, or other underground excavations, shall be taken to mean an inclination to the horizon of more than 45 degrees. Steeply inclined.

The term "Stope" shall be taken to mean a working in which a section or block of the reef, which has been opened up by means of levels and their connections, is being removed. Stope.

The term "Surface Foreman" shall be taken to mean the person in charge of the surface working of a mine, acting under the direction of the manager. Surface foreman.

The term "Winze" shall be taken to mean an underground shaft, either vertical or inclined. Winze.

The term "Workings" shall be taken to include all excavated portions of a mine—those abandoned as well as those actually being worked. Workings.

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PART II.

PROTECTION OF THE SURFACE.

Protection of surface subsidences or cavities.

2. Where mining operations have caused subsidences or cavities on the surface, or where such are likely to occur, such places shall be securely fenced in and conspicuous notice boards put up to warn persons off.

Pillars to be left for protection of ground and of surface objects.

3. For the protection of ground and any surface objects which it is necessary to protect in the interests of personal safety or public traffic, and the removal of which may be inexpedient, the reefs, coal beds or other mineral deposits shall be left intact, not only vertically below the same, but for such a distance beyond as the Inspector of Mines may consider necessary, subject to the approval of the Chief Inspector of Mines.

Excavation of forbidden ground, when allowed by law, subject to precautions prescribed by the Government Chief Inspector of Mines.

Permission for the entire or partial excavation of the ground beneath such surface objects may be obtained from the Chief Inspector of Mines to the extent and under such precautions and conditions as he may prescribe in each separate case.

Tunnelling through safety pillars allowed by special permission.

The driving of tunnels through such safety pillars not exceeding six feet in width for the purpose of connecting two separate mines or parts of a mine shall only be allowed with the special written permission of the Inspector of Mines, upon the precautions prescribed by him being observed.

Penalty.

Any person who fails to comply with the provisions of this regulation or with the conditions as laid down by the Chief Inspector of Mines as above referred to shall, besides the liability attached to him under any other law, be liable to a fine not exceeding £50 (fifty pounds), or, in

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case of non-payment, to imprisonment for a period not exceeding six months with or without hard labour, or imprisonment without the option of a fine for a period not exceeding six months with or without hard labour.

Excavations contrary to regulations to be filled in.

4. All excavations made contrary to the provisions of the preceding regulation shall be immediately filled up with loose rock débris or earth by the person or persons responsible for such excavations, failing which they shall be filled up by the Government at the expense of the owner of the mine.

Unlawful undermining, restitution of value to Government.

5. Should any ground under which mining is forbidden by law be undermined unlawfully the owner of the mine concerned shall, in addition to any punishment inflicted on the manager, pay to the Government the value of the mineral wrongfully extracted. The basis of the calculation of the value of such mineral shall be the average yield of mineral produced from the mine during the preceding six months.

6. At collieries, in addition to all other provisions contained in these regulations, the following shall be observed:—

Coal débris not to accumulate on subsidences.

(*a*) Coal débris shall not be allowed to accumulate on any ground where there exists or where there is likely to occur surface fissures or cavities, the result of underground operations, without the written permission of the Inspector of Mines.

No working beyond development beneath débris heaps.

(*b*) No working of coal or any such-like mineral, beyond the necessary development drives, may be carried on beneath any accumulation of unburnt, burning, or smouldering coal or similar débris.

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Limited working beneath débris heaps by permission of Chief Inspector of Mines.

(*c*) The Chief Inspector of Mines, through the Inspector of Mines, may permit a limited extraction of coal or other mineral beneath coal débris or any other similar débris heaps, if he be satisfied that such may be done without danger to that or any other adjacent property, but any person who extracts such mineral shall nevertheless be liable for any damage that may result from such extraction.

Application for permission.

Permission to do so shall be applied for through the Inspector of Mines.

Broken ground filled up may be used as site for débris heaps.

(*d*) Broken ground which has finally subsided may be filled up with earth and then used as a site for depositing coal and other débris, provided the consent of the Inspector of Mines has first been obtained.

Coal débris must be at safe distance from shafts and buildings.

(*e*) All coal débris and bituminous rock shall be deposited at such a distance from shaft works and buildings as to minimise danger from fire.

Responsibility of owner.

(*f*) The owner of a coal mine shall be responsible for all damages resulting from the combustion of his waste heaps.

Procedure in case of underground fires or explosions.

(*g*) In case of an underground fire or of an explosion of gas in a mine, or any appearance of explosive or noxious gas, it shall be immediately reported to the Inspector of Mines.

Safety lamps.

(*h*) Every coal mine not exempted in writing by the Inspector of Mines shall be provided with at least one safety lamp for every twenty underground employees. Each ganger shall be furnished with one of these lamps, which he shall keep in his working place ready for use for the detection of inflammable gas.

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Prospecting trenches.

7. In digging prospecting trenches the ground shall be thrown out so as to form approximately equal ridges on each side and maintained in this condition, and every sufficient means shall also be taken (either by filling up or fencing same) to prevent persons inadvertently falling into or entering such trenches.

Filling in or fencing dangerous prospecting works.

8. If in the opinion of the Inspector of Mines disused prospecting works are dangerous to life, or endanger public traffic, he may order them to be filled in with ground to the level of the surface or otherwise securely fenced in by the claimholder or the owner of the ground.

Procedure in case of neglect to comply.

9. If any claim or mynpacht holder neglects to comply with the provisions laid down in Regulations 7 and 8, he shall be guilty of an offence against these regulations. The Government shall in any case have the right to fill up or otherwise protect such trenches at the expense of such claim or mynpacht holder.

Protection of shafts not in use and elevated platforms, etc.

10. The mouth of every shaft or entrance to a mine which for the time being is out of use or used only as an airway, and the approach of every open working not being ordinary prospecting trenches, and all elevated and exposed platforms and gangways, shall be kept securely fenced or otherwise protected.

Injurious chemical solutions, precautions necessary.

11. Water containing poisonous or injurious chemical solutions, used in the treatment of gold or other ores, must be effectually fenced off to prevent inadvertent access to it, and notice boards shall be put up in suitable places to warn persons from making use of such water.

In no case may water containing any injurious solution be permitted to escape without having been previously rendered innocuous.

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Penalty.

12. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding £30 (thirty pounds) or in default of payment to imprisonment for a period not exceeding three months.

PART III.

PROTECTION OF UNDERGROUND WORKS.

Fencing of entrances to shafts, winzes, etc.

13. The mouth of all underground entrances between the top and bottom of every vertical or steeply inclined shaft, winze, sump and shoot or sliding hole, shall be kept properly fenced off by means of a barrier or gate, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions to prevent danger to persons are taken.

Protection underground against falling material.

14. Where the underground workings referred to in the preceding regulation or steeply inclined stopes lead directly into a travelling road, such road, as also any working place situated on its lower or "dip" side, should be securely fenced off so that persons working therein shall be protected against danger of falling stones or material.

Mine Captain to be informed in case of danger.

Should any ganger have reason to believe that any part of the hanging wall or any other part of a mine is in a dangerous condition he shall at once inform the Mine Captain or the manager who shall take the necessary steps to remove the danger. The said ganger shall also inform any ganger who may relieve him as well as the ganger of the following shift.

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Underground entrances to abandoned workings to be securely fenced.

15. All underground entrances to shafts or other dangerous places which are temporarily or permanently abandoned shall be securely fenced across the whole width of such entrances so that no person can unintentionally enter the same.

Securing of unsafe workings.

16. Where the natural strata are not safe, every working or pumping shaft and every travelling road, airway or working place shall be securely timbered, walled up, or otherwise made secure, and kept in safe condition so long as they are in actual use, and no person unless appointed for the purpose of exploring or repairing shall travel or work in any such shaft or underground working until it is made secure.

Reserve timber to be kept.

In addition to such securing as above where the natural strata are not safe in every working place, a sufficient reserve of suitable timber shall be provided conveniently for the immediate use of the workmen employed therein.

Laying down of loose articles prohibited near shaft entrances.

17. Tools, wood, or any loose articles shall not be laid down, or be allowed to remain, in such proximity to the mouth of any entrance to shafts or winzes, whether vertical or inclined, as may result in their falling into them.

Advance bore-holes when approaching water or gas.

18. Where a place is likely to contain a dangerous accumulation of water or noxious gases any working approaching that place shall have bore-holes kept at least four feet in advance, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of such water or gases, and such working face must not exceed six feet in width.

Safety pillars between adjoining properties.

19. On the inside of the boundary lines of every mine safety pillars must be left standing, the width of which in

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coal mines shall not be less than fifty feet, and in metalliferous mines not less than thirty feet, measured at right angles from the boundary line.

Weakening or removal of safety pillars, procedure.

On the joint application of the owners of adjoining mines, the Inspector of Mines shall give permission to either party to weaken, cut through, or work their respective pillars between such mines.

In the absence of such joint application, the Chief Inspector of Mines shall have power to give written permission for the partial working, weakening, or cutting through of such pillars.

Penalty.

20. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding thirty pounds or in default of payment to imprisonment for a period not exceeding three months.

PART IV.

WINDING.

A.—Winding Mineral, Rock Material or Water in Shafts or Winzes.

Windlasses, kibbles, etc., precautions in using.

21. Windlasses, whims and whips in use at shafts and winzes shall be provided with a stopper, pawl, or some other reliable holder, and care must be taken that the hooking on and off of buckets, kibbles, or other receptacles is done without danger to the workmen.

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22. Where winding is effected by means of an engine an adequate brake shall be attached to every drum and kept in proper working order. Winding engines, adequate brake required.

Such brake must be so arranged that, be the engine at work or rest, it can be easily and safely manipulated by the engine-driver when standing at the levers controlling the engine. Arrangement of brake.

Spare parts, brake blocks, etc., shall always be kept in stock at the mine. Spare parts, brake blocks, etc.

The Inspector of Mines shall at all times have the power to order or conduct a test of the efficiency of all brakes. Testing of brakes by Inspector of Mines.

23. The connection between rope and bucket, kibble, or other means of conveyance must be of such a nature that no accidental disconnection can take place. Secure connection between rope and conveyance.

24. Ropes used for winding purposes must be in good condition and of good quality and manufacture. The wires used in the construction of the ropes shall be of size suitable for use with sheaves and drums fitted. Quality and condition of winding ropes.

25. When tools, wood or other materials are to be let down or hoisted up in a shaft, their ends, if projecting above the top of the bucket, kibble, or other vehicle, shall be securely fastened to the winding rope or to the bow of the receptacle. Securing of projecting materials during winding.

26. In sinking shafts the bucket or other means of conveyance shall only be filled up to the level of the brim. Sinking bucket, amount of filling allowed.

Before the bucket or other means of conveyance leaves the top or bottom of the shaft it shall be steadied under the supervision of the workman in charge. Bucket to be steadied before starting.

27. In no case shall any cage, skip, kibble or other receptacle be directly lowered to the bottom of a shaft Cage or skip, etc., to be stopped before reaching bottom.

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when men are working there, but must be stopped at least fifteen feet above the bottom until the signal to further lower it has been given by one of the sinkers thereat. This rule shall not apply to shafts in which the sinkers are not more than fifty feet from the banksman.

Ladders in sinking shafts.

28. Ladder-ways shall be provided in all shafts in the course of sinking to within such a distance of the bottom as will secure them from damage in blasting, and from the ends of such ladder-ways chains or chain-ladders shall be extended to the bottom of the shaft.

Guides for kibbles.

29. Vertical shafts exceeding one hundred feet in depth shall be provided with guides for kibbles, unless exempted in writing by the Inspector of Mines.

Protection of workmen in shafts.

30. When a shaft has no separate ladder-way under which those engaged in sinking may find shelter during the winding of rock material or water sufficient protection shall be provided by a suitable covering.

Should a working shaft be sunk deeper whilst ordinary winding is going on, the men employed at the bottom of such shaft shall be securely protected by a cover overhead.

Shaft cover self closing where cages are used.

31. In vertical shafts where cages are used the landing place of each winding compartment shall be provided with a self-closing cover, gate or gates.

Provision for workmen passing from one compartment to another.

32. At every shaft station where it is necessary for workmen to pass from one side of the shaft to the other, provision shall be made for them to do so without entering or crossing a winding compartment; such passage shall be securely fenced off from moving parts of machinery.

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33. Entering or crossing a winding compartment of a shaft is prohibited, except to ascend or descend, and for purposes of repairs.* Entering a winding compartment prohibited.

This regulation shall not apply to persons employed in timbering vertical shafts whilst sinking operations are being carried on.

34. No winding shall be permitted whilst repairs in the winding compartment are being made beyond what is necessary for such repairs. This shall not prohibit persons from working below the lowest point from which winding is taking place provided that such persons are securely protected by a suitable covering. The word "repairs" mentioned in this regulation and in Regulation 33 shall be taken to include the oiling of rollers and pulleys. Winding prohibited during repairs.

35. Every winding shaft, if exceeding fifty feet in depth and not exempted in writing by the Inspector of Mines, shall be provided with some efficient means of interchanging distinct and definite signals between the top of the shaft and the lowest level from which winding is carried on and the various intermediate stations for the time being in use. Shaft signals required.

The workmen at the bottom of a shaft where work is carried on shall be provided with efficient means of interchanging distinct signals with the surface.

36. Where one or more compartments in a shaft are set apart for the hauling of persons, in addition to the system of signals between top and bottom of the shaft provided for in Regulation 35, a separate set of signals must be provided so that signals may be exchanged between the shaft top and the engine-driver. In winding persons, signals must be provided between shaft top and engine-driver.

* See section 34 for definition of term "repairs."

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Distinct signal to be received before starting engine.

37. The engine-driver is prohibited from starting his engine before he has received a distinct signal.

Persons authorised to give signal.

38. Only persons duly authorised by the manager or mine overseer are allowed to give a signal.

Code of signals.

39. In signalling the following shaft signals shall be used:—

Knocks or rings.

1.—Raise, when engine at rest.

1.—Stop, when engine in motion.

2.—Lower.

3.—Men about to ascend or descend.

3.—In reply, men may enter cage or other conveyance.

In no case shall any person enter a cage or other conveyance until the back signal "3" has been received.

Winding persons, time to elapse before starting.

The engine-driver when receiving the signal "1" or "2" signifying to raise or lower any person, must wait at least ten seconds before starting to wind.

Special signals.

40. Special signals in addition to the above may be used at any mine, provided they are easily distinguishable by their sound or otherwise from the foregoing code, and do not interfere with it in any way.

Signals—legible notice boards required.

41. The before-mentioned code of signals, as well as any special signals that may be in use on a mine, shall be painted on a board or enamelled plate, not less than twenty inches by twenty inches, in the form of a distinctly legible notice, and shall be posted up in the engine room, and at the top of the shaft and at all shaft stations for the time being in use.

Signals during blasting.

42. In shaft sinking special care must be taken that the engine-driver is notified by a pre-arranged signal when

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blasting is about to take place, so that he may be ready to instantly raise persons employed in blasting on receipt of the final signal.

B.—Raising or Lowering Persons.

43. No winding plant shall be used for the raising or lowering of persons unless the special written permission of the Inspector of Mines has been granted. Winding persons—permission required.

Permission shall not be granted unless the foregoing regulations have been complied with so far as they are applicable and unless the following special conditions are observed:— Special conditions.

(*a*) By actual test it shall be proved to the satisfaction of the Inspector of Mines—

(1) That the winding engine, running at various speeds with light and heavy loads, can be readily slowed and stopped, and after stopping can be immediately started again in either direction by the engine-driver. Winding engine to be easily manipulated.

(2) That the winding engine can lift from bottom to top of shaft the maximum unbalanced load on one drum. Winding engine capacity.

(3) That each winding drum, unclutched from the engine, can be maintained in a position of rest, with no more slipping than one foot, by the unaided effort of its own brake or brakes (*a*) when bearing its maximum statical load, and (*b*) when this load is increased to the extent of doubling the authorised load of the cage or skip. In estimating the authorised load, one hundred and fifty pounds weight shall be allotted for each person. Efficiency of brakes.

(4) That in the case of a hoist, where no part of Dangerous slipping of rope prohibited.

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the rope is rigidly fixed to the drum, there shall be no dangerous slipping of the rope on the drum under any possible working condition.

Height of headgear and clearance necessary.

(*b*) The headgear shall be carried without obstruction to the skip-way, to such a height as to allow a clearance of at least twenty-five feet in which the cage or similar contrivance can travel freely in case of an over-wind. The Chief Inspector of Mines may grant permission for headgears which were erected previous to these regulations coming into force, and which do not comply with the above conditions, to be used.

Winding ropes —quality and manufacture.

(*c*) Winding ropes shall be made of steel of the best quality and manufacture, free from any defect and the wires used in the construction of the ropes shall be of sizes suitable for use with the sheaves and drums fitted. Winding ropes shall not be used for raising or lowering persons when, owing to deterioration, the breaking strain has become reduced to below six times the maximum working load.

N.B.—The load includes the weight of rope in the shaft at the lowest working point.

Winding ropes —sample to be supplied to Inspector of Mines.

(*d*) At the request of the Inspector of Mines an adequate sample from the end of any winding rope shall be supplied to him, also such data as may be required *re* manufacture, dimensions and class of steel.

Winding ropes and connections to be examined and tested before using for winding persons.

(*e*) Winding ropes newly put on, as also connecting attachments between the rope and the cage, skip or other conveyance, shall be carefully examined and properly tested as to their working strength by some competent and reliable person authorised

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thereto by the manager, and shall be used for the ordinary transport of persons in shafts only after having been run two complete trips up and down the working portion of the shaft, the cage or skip being loaded to the full authorised extent. The result of the above examination shall be immediately recorded in a book which shall always be accessible to the Inspector.

(*f*) Cages, skips or other conveyances used in vertical or steeply inclined shafts shall have a proper roof or cover and shall have proper safety catches where applicable. Covers and safety catches required.

Cage entrances shall be fitted with doors so as to prevent any portion of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft and the doors must be constructed in such manner that they cannot open of themselves. Doors required for cages.

(*g*) There shall be on the drum of the winding engine such flanges or horns, and also, if the drum is conical or spiral, such other appliances as may be sufficient to prevent the rope from slipping. Flanges or other appliances on drums to prevent slipping.

(*h*) There shall not be less than three rounds of rope upon the drum when the cage or other conveyance is at the lowest point of the shaft from which hoisting is going on. Minimum amount of rope allowed on drums.

The end of the rope shall where applicable be properly fastened round an arm or the shaft of the drum. Attachment of rope to drum.

(*i*) When it is considered necessary by the Inspector of Mines every engine used in raising or lowering persons shall be provided with a reliable depth indicator, in addition to any marks on the rope, Reliable depth indicator necessary in winding persons.

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which will clearly and accurately show to the engine-driver at his driving seat at all times the position of the cage or other conveyance in the shaft and which will, moreover, in shafts exceeding three hundred feet in depth ring a bell in the engine room when the conveyance is sixty feet from the top landing place.

Change of gradient necessitating reduction of speed to be shown on indicator.

(*j*) Where difference of gradient in a shaft necessitates reduction of winding speed such position shall be plainly marked on the depth indicator.

Speed indicator necessary if required by Inspector of Mines.

(*k*) A reliable speed indicator must be attached to the winding engine if considered necessary by the Inspector of Mines.

Over-winding to be provided against by automatic device.

(*l*) When possible some suitable automatic device to prevent over-winding of cages or other conveyances shall be provided at every winding shaft or winding engine.

Maximum speed where automatic contrivance is not applicable.

If the winding apparatus cannot be provided with some automatic contrivance to prevent over-winding, then the cage or other conveyance, when men are being raised, shall not be wound up at a speed exceeding two hundred and fifty feet per minute, after the cage or other conveyance has reached a point in the shaft to be fixed by the Inspector of Mines.

Exemptions in prospecting shafts.

44. Prospecting shafts where winding is done by manual or animal power shall be exempted from the provisions of the last preceding regulation.

Rules where winding persons is permitted.

45. Where winding in shafts in accordance with Regulation 43 is permitted, the following rules must be strictly observed :—

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(*a*) One, or more than one, competent person specially deputed by the manager for the purpose, and whose name or names must be registered by him in a record book, such book to be termed the Machinery Record Book, shall carefully examine:— Machinery Record Book to be kept of examinations.

(1) At least once each day the aerial gear, the winding ropes, and their attachments to the cages and drums, or buckets, the brakes, depth indicators, the cages and their safety catches, the pulley wheels and all and every external part of the winding arrangements upon the proper working of which life depends; Winding ropes and attachments once a day.

(2) At least once a week the guides and the winding compartments generally, the signalling arrangements, and the external parts of the winding engine; Guides, winding compartments, signalling apparatus, and engine externally once a week.

(3) At least once a year the winding engine as to the working condition of the internal parts; Winding engine internally once a year.

(4) At least once a month the structure of the rope for the purpose of discovering the amount of deterioration of same. For the purpose of this examination the rope must be thoroughly cleaned at selected places. Condition of rope once a month.

A true report of the result of every examination above mentioned shall be recorded without delay in the Machinery Record Book which must be kept at the mine specially for the purpose, and shall be signed by the person who made the inspection. This Record Book shall at all times be open for the inspection of the Inspector of Mines or his deputy. Should, as the result of such examination, any weakness or defect be discovered by which Machinery Record Book to be entered up and signed by person making inspection.

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life or limb may be endangered, the defect shall immediately be reported to the manager and remedied, and no person shall be lowered or raised until the defect is made good.

Defective ropes not to be used for transporting persons.

(*b*) So soon as the rope becomes defective it shall no longer be used for the transport of persons unless the damaged part be at the end and be cut off.

Spare rope to be kept where persons are hoisted.

(*c*) At every mine where persons are raised or lowered, at least one spare rope of the description as provided for in Regulation 43, sub-section (*c*), shall always be kept in reserve ready for use.

Precautions against access to signal wires.

(*d*) Special instruction shall be issued by the manager forbidding access to signal wires to any person other than those in charge of them, and special care shall be taken to guard against the signal wires being accidentally put in operation.

No person allowed to ride on side or bow of skip.

(*e*) No one is allowed to ascend or descend a shaft on the side or bow of a skip, or on the top of a loaded truck, skip or bucket, unless the permission of the Inspector has been previously obtained.

Riding in partially loaded skips or buckets, when forbidden.

Riding in partially loaded cages, skips, or buckets is only permitted to persons in charge of underground works, sinkers, and to workmen employed to do repairs in the shaft. The same applies to unprotected cages, skips, or buckets in vertical or steeply inclined shafts.

Conveyance must not be crowded.

(*f*) In no case shall a greater number of persons ride in any cage or other conveyance at any one time than can be conveniently accommodated therein with safety.

Person travelling not to change his position.

(*g*) A person travelling in a cage or other conveyance is not allowed to change his place therein whilst the conveyance is in motion.

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(*h*) After any stoppage of winding for repairs or for any other purpose exceeding two hours' duration each cage or other conveyance, before any person is allowed to ride therein, must be run a complete trip up and down the working portion of the shaft at least once, with a view of ensuring that everything is in good working order.

Conveyance to be run a complete trip after repairs or stoppage exceeding two hours.

(*i*) When winding persons, the engine-driver shall in no case be allowed to run the engine at a greater speed than that fixed upon when the permission to use the engine for the purpose was granted, and he shall take care that shocks in starting and bringing the engine to rest are avoided and that cages or other conveyances are set down gently at stopping places.

Speed of winding persons and precautions against shocks.

(*j*) At every shaft or shaft station where persons are regularly allowed to ride, signals for raising or lowering a person or persons shall only be given by qualified European banksmen who shall be responsible for the observance of the rules referred to in Regulation 45 (*e*), (*f*) and (*h*), and that the correct signals are given and the doors and covers of the cages properly fixed.

Persons qualified to give signals for transporting men, and their responsibilities.

C.—Underground Tramways.

46. The following regulations shall apply to underground tramways:—

Signals in self-acting inclines.

(*a*) Where traction is operated by machinery a signalling apparatus shall be provided by which distinct signals can be given to the engine-driver from any part of the tramway.

(*b*) Where traction is operated by gravity and the inclined plane exceeds one hundred and fifty feet

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in length some efficient means of communicating distinct signals between the stopping places shall be provided.

Manholes to be provided if necessary.

In either of the cases (*a*) or (*b*) where persons are allowed to travel, places of refuge (manholes) at intervals of not more than fifty feet shall be provided if there is not ample room for a person to stand between the moving trucks and the wall. Every place of refuge shall be constantly kept clear.

Penalty.

47. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding £50 (fifty pounds) or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

PART V.

TRAVELLING AND LADDER-WAYS.

Two outlets from a mine to surface are necessary.

48. No person shall be employed in a mine or be permitted to be in a mine for the purpose of being employed therein unless there are at least two shafts or outlets to the surface, with which every reef or mineral bed for the time being worked in the mine shall have a communication of not less than three feet wide and three feet high so that such shafts or outlets shall afford separate means of ingress or egress available to all persons employed in such mine, whether the shafts or outlets belong to the same mine or to more than one mine.

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Such shafts or outlets must not lead to the surface in one and the same shaft shed and must not at any point be nearer to one another than thirty feet. Outlets must be at least thirty feet apart.

49. In any case in which the two outlets or part of them do not belong to the same mine the managers of the respective mines shall be responsible for the outlet or part of it in their respective mines being kept in proper repair; and should any obstruction arise in any such outlet or anything occur in such mine to jeopardise the safety of the outlet the same shall be immediately reported to the manager or managers of the other mine or mines. Should either of the two outlets or part of them be situated in an abandoned mine or mines the manager or managers of the working mine or mines shall be jointly and severally responsible for the proper maintenance and repair of such outlet or outlets. Responsibility for maintenance of outlets.

Proper arrangements to enable workmen to descend and to ascend from the mine shall be provided at each such shaft or outlet and kept constantly available for use. Arrangements for access.

50. The foregoing provisions with respect to two shafts or outlets shall not apply:— Exemptions.

(*a*) In case of a new mine being opened to any working for the purpose of making a communication between two or more shafts, or to any working for the purpose of searching for or proving minerals; or Connecting, developing, etc.

(*b*) To any open mine so long as it is exempted in writing by the Chief Inspector of Mines; or Mines exempted by Chief Inspector of Mines.

(*c*) To any mine while a shaft is being sunk or an outlet being made, or in which one of the shafts or outlets has temporarily become unavailable for the persons employed in the mine so long as every Mines shaft sinking or where an outlet has become temporarily unavailable.

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effort is being made by the manager to repair the damage.

Where a single shaft is allowed a proper ladder-way shall be provided.

51. At every open mine where, according to the provisions of the preceding regulations, a single shaft shall be allowed to form the only means of ingress and egress to the persons employed underground, such shafts shall be provided with a proper ladder-way.

Platforms to be provided in ladder-ways.

52. In ladder-ways exceeding sixty feet in depth and having an inclination of more than seventy degrees from the horizontal, resting places (platforms) shall be provided at convenient intervals. In vertical shafts such resting places shall not be more than thirty feet distant from one another.

Inclination and placing of ladders.

The ladders shall not be erected at a greater inclination than eighty degrees, and shall be so placed as to cover the manholes of the resting places.

Vertical ladders allowed under exceptional circumstances.

53. Under exceptional circumstances ladders may, with the written consent of the Inspector of Mines, be fixed vertically.

Securing and maintenance of ladders.

54. All ladders used in mines shall be constructed sufficiently strong and be securely fastened to the timbering or sides of the shaft, and maintained in proper repair.

Ladders overhanging prohibited.

The fixing of ladders in travelling-ways in overhanging position is prohibited.

Ladders must project above platforms.

55. The ladders shall project at least three feet above the mouth of the shaft and every resting place therein or strong hand-rails shall be fixed at such places.

Travelling-ways in steeply inclined shafts to be bratticed off.

56. In vertical or steeply inclined shafts where one compartment is used as a foot travelling-way it shall be securely bratticed off from the other compartments. In all

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other shafts the foot travelling-way or ways shall be adequately railed off so as to prevent any person inadvertently entering the winding compartment.

Special travelling-ways to be used where winding persons is prohibited.

57. In all mines where the raising or lowering of persons by means of machinery is prohibited, only such travelling-way or ways shall be used in ascending and descending as are specially set apart for the purpose.

Only persons doing repairs, etc., may use other ways.

The use of other shafts or shaft compartments as a means of ingress or egress is permitted only to those persons who are charged with the making of inspections or repairs.

Carrying tools or loose materials in ladder-way prohibited.

58. Carrying tools or any loose material up or down a ladder-way in vertical or steeply inclined shafts or winzes is prohibited, except where absolutely necessary.

Penalty.

59. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

PART VI.

VENTILATION.

Amount of air required underground per individual.

60. So much air as may be necessary, not being less than seventy cubic feet per minute for each person, and two hundred cubic feet for each animal employed underground, shall be provided.

Quantity of air to be registered if necessary.

Should the Inspector of Mines deem it necessary, a register of the quantities of air circulating through the mine shall be kept.

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Air current to be split if necessary.

61. The ventilating current shall be suitably split where necessary and the air conducted to and along the face of each and every working place throughout the entire mine in sufficient quantities to render harmless and to sweep away the smoke produced by blasting or any other noxious gases, so that all working places and travelling-ways shall be in a fit state for persons to work and travel therein.

Ventilating doors to be self closing.

62. All doors assisting or in any way affecting the ventilation shall be so adjusted that they are self closing.

Disused workings to be examined before being again used.

63. Underground works, especially shafts, sumps, and winzes which have been in disuse for some time, shall be examined with a light before being again used, in order to ascertain whether foul air or other dangerous gases have accumulated there, and no working-man shall be allowed to proceed to such places until they are in a fit state to work or travel in. When these underground workings are found in coal mines safety lamps shall be used.

Penalty.

64. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

PART VII.

LIGHTING.

Stationary lights to be used at all stations.

65. Adequate stationary lights shall be provided during working hours at all stations in vertical and inclined

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shafts, as well as at all stopping places in levels where winding or hauling is effected by means of machinery; and at night at all working places on the surface.

Working parts of machinery to be well lighted.

66. All places where winding, driving, pumping, or other machinery is erected in proximity of which persons are working and moving about, and which are not fenced off in such a way that it is impossible for any one to come inadvertently in contact with the machinery, shall be so lighted whilst in operation that the moving parts of the same can be clearly distinguished.

Moving about without a light underground is prohibited.

67. No person is allowed to move about in any unilluminated part of a mine without a light.

Penalty.

68. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding thirty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

PART VIII.

EXPLOSIVES.

*A.—Storage of Explosives.**

Storage—conditions of.

69. No explosives for a mine or works except in the quantities set forth in Regulation 78 may be stored upon any claim or mynpacht except in an "Explosives Magazine" and under such conditions as set forth hereafter, and no explosives shall be so stored unless they are intended exclusively for the mine or works in question.

* This sub-heading does not appear in the original regulations as published; it was evidently inadvertently omitted. See Contents, *supra*.

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Application for permission to store.

70. Application for permission to erect such a magazine for storing explosives shall be made by the manager of the mine to the Inspector of Mines.

Plans to be forwarded.

Such application shall be accompanied by plans in duplicate, showing the site of the proposed magazine in relation to the boundaries of the mine or works and to working places, buildings, public roads, and railways (if any) in close proximity thereto, also the design of the proposed magazine and specification of the material to be used in building the same.

One copy of such plan or plans and specification will be retained in the office of the Inspector of Mines after permission to establish the magazine has been granted; the other copy with the Inspector's approval noted thereon will be returned to the applicant.

Other explosives magazines.

71. For permission to establish explosives magazines other than as above application must be made to the Colonial Secretary.

Magazine must be registered.

72. Explosives magazines, whether surface or sub-surface, under Regulation 69 shall be registered as such, and must not contain more than twenty-five thousand pounds of explosives.

Number and position of magazine.

73. Two or more magazines for the storage of explosives may be erected or constructed with the consent of the Inspector of Mines on any mining property provided that the distance between any two of them shall not be less than as hereunder set forth, viz., in case of:—

Surface magazines.

A surface explosives magazine registered to contain not more than five thousand lbs.....fifty yards.

For every additional one thousand lbs. for which the magazine is registered the distance shall be increased by .....one yard.

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A sub-surface explosives magazine registered to contain not more than five thousand lbs.....thirty yards. Sub-surface magazines.

For every additional three thousand lbs. for which the magazine is registered the distance shall be increased by .....one yard.

74. No explosives magazine shall be established until a certificate has been issued by the Inspector of Mines that the following conditions have been complied with:— Certificate required.

(*a*) The minimum distances between surface and sub-surface explosives magazines and the nearest habitation, works, public roads, public railways, and boundary line of the property shall not be less than, in the case of surface explosives magazines registered to contain not more than five thousand pounds.....one hundred yards. For every additional fifty lbs. for which the magazine is registered the distance shall be increased by.....one yard. Distances from habitations, boundaries, etc.

In the case of sub-surface explosives magazines, registered to contain not more than twenty thousand lbs., two hundred yards.

A shorter distance is only allowed by special permission of the Chief Inspector of Mines who may take into consideration the local circumstances and the quality of explosives to be stored: Provided always that permission shall not be granted for the erection or use of an explosives magazine unless it be at least seventy yards distant from any mineral or private railway, whether worked by steam or otherwise. No traction engine or locomobile shall be permitted to pass within this distance from any magazine in which explosives are stored. Special permission for shorter distances.

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Underground magazines.

(*b*) In any case where it is not possible to observe the rule regarding the distance as given in the preceding clause, it shall be lawful for the Chief Inspector of Mines to grant permission for the establishment of underground explosives magazines under such conditions as he may deem desirable in each case.

"Surface" and "Sub-surface" magazines.

(*c*) Surface magazines are those erected on the surface; sub-surface magazines are surface excavations in the ground, in which the storage room is below the surface, access thereto being gained either by an open cutting or by an inclined way.

Magazines must be erected on soft ground.

(*d*) Care shall be taken that explosives magazines are erected only at such places where there is a suitable depth of soil or sand. In no case shall an explosives magazine be erected on rocky ground.

Materials for construction of magazines.

(*e*) In the construction and erection of magazines only the lightest and most suitable materials available shall be used for walls and roofs. Solid arched roofs are particularly prohibited.

Lighting of magazines.

(*f*) A surface or sub-surface magazine shall not have any windows, light when required being afforded through the open door.

Height of magazine.

(*g*) The magazine shall be at least six feet six inches in the clear from floor to ceiling.

Construction of magazines.

(*h*) A magazine shall comprise at least two compartments, one called the lobby which is accessible from the outside and used for the reception and delivery of explosives; the other called the storage room which is accessible only from the lobby and used for the storage of explosives.

Doors of magazines.

(*i*) The outer door to the lobby must open outwards

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and be fitted with a good lock for which purpose a padlock shall not be deemed to be sufficient.

The door between the lobby and the storage room must be of wood, also opening outwards and be fitted with a good lock.

(*k*) The compartments of a magazine shall be properly ventilated by cowelled ventilators in the roof, or properly protected ventilating channels in the gables. Ventilation of magazines.

The highest temperature allowed in the storage room shall not exceed thirty-five degrees C. (ninety-five degrees Fahrenheit). Temperature.

(*l*) The ceiling of a magazine shall be of wood and its inner sides shall be wood lined, the lining to be at least three inches distant from the walls and the intervening space filled with some uninflammable non-heat conducting material. Wood lining necessary.

The floor shall be of wood of sufficient strength and shall be well ventilated beneath; it shall also be provided with a proper drain for ensuring the dryness of the magazine. Roofs of galvanized iron shall have wood lining immediately against the iron. Floor, roof.

(*m*) All nails, fastenings, locks, keys and fittings inside the magazine shall be made of wood, brass, or copper. Fittings, etc., of wood, brass, or copper.

(*n*) The outer door shall bear the inscription "Explosives" painted thereon in distinct white letters. Outer door.

The front wall shall have affixed thereto a plate bearing the registered number of the magazine supplied by the Inspector of Mines. Register plate.

(*o*) The magazine shall be fitted with a reliable lightning conductor, supported on a vertical post stand- Lightning conductor.

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ing clear of the building, but not more than eighteen inches from one of the walls, and rising at least six feet above the highest point of the magazine.

This lightning conductor shall be carried to a properly laid earth plate beyond the outer earth wall.

Outer earth wall.

(*p*) A surface or sub-surface magazine shall be surrounded by an outer earth wall, the bottom of the inner slope of same shall not be less than three feet from the sides of the building. This earth wall shall have a natural slope on either side and be three feet wide at the top and be as high as the highest point of the roof.

Approach to magazine.

(*q*) The approach to the precincts of a magazine through the outer earth wall shall have a strongly built gate which shall be kept locked.

The entrance to the magazine shall be either in a broken line or the door shall be protected by an outer protecting earth wall entirely shielding the entrance.

Regulations to be posted.

(*r*) A copy of the regulations for the storage, distribution, and transport of explosives shall be posted up on the inside of the outer door of every explosives magazine.

Thermometer.

(*s*) A reliable self-registering thermometer shall be kept in the storage room of every explosives magazine.

Magazine shoes.

(*t*) At least one pair of magazine shoes shall be kept in the lobby of every magazine, and no person shall enter the storage room of any magazine except when wearing such shoes.

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If at any time after the issue of such certificate the conditions laid down in this regulation are no longer complied with the certificate shall be cancelled by the Inspector of Mines and the magazine shall thereupon cease to be used for storing explosives. Non-compliance with regulations; penalty.

75. If at any time it may appear desirable in the public interest the Government shall have the power to order the removal of any explosives magazine: Provided that the Government shall undertake, at their own discretion, either to erect a similar magazine at their own cost at some other place, or to pay as compensation the actual value of the explosives magazine so removed. Removal of undesirable magazines by Government.

76. A light shall not be taken into any explosives magazine. The light required in an underground explosives magazine, permission for which may have been granted under Regulation 74, shall be reflected from a lamp placed outside the magazine door; such lamp shall be properly protected. Artificial lights in magazines forbidden.

77. Explosives shall be stored in regular layers, and not more than six cases high: below each layer there shall be two laths of wood placed so as to minimise friction in handling. Manner of storing explosives.

78. Unless the written consent of the Inspector of Mines has been previously obtained not more than one hundred lbs. of dynamite or other high explosives shall be kept at any one time at any one place in or about a mine except in a registered "explosives magazine." Amount of explosives allowed without magazine.

79. Where on the surface the quantity of explosives is only one hundred lbs. or less the same shall be kept in safe and secure wooden boxes which shall not be placed within Storage of explosives without a magazine.

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one hundred feet of anything liable to ignition, or of a furnace, steam boiler, entrance to or outlet of a mine, or of a shaft in course of sinking.

Storage of blasting powder.

80. Blasting powder shall not be stored in any magazines with high explosives but shall be kept in a separate compartment having its own lobby and entrance.

Dynamite scraps must be destroyed.

81. Pieces of explosives scattered on the floor of a magazine shall be carefully picked up and destroyed in an open place at a safe distance by burning or otherwise.

Detonators must be stored separately.

82. Detonators shall not be kept in the same compartment with any other explosives, and any quantity exceeding one thousand may only be stored in a building set apart for the purpose.

Detonator store within outer earth wall.

83. In no case shall detonators be stored within the outer earth wall.

Door of detonator store.

84. The door of every detonator store shall be strongly built, fitted with a good lock, and have the inscription "Detonators" printed thereon.

Trespassers to be removed.

85. Any unauthorised person loitering in the immediate vicinity of an explosives magazine may be forthwith removed from the vicinity by the manager of the mine or works to which the magazine belongs or by any agent or servant authorised by the said manager.

License for existing magazines.

86. The Inspector of Mines may, should he deem it advisable, issue a license for any magazine existing at the time these regulations came into operation. Should he however consider the magazine unsuitable for the purpose he may give the person responsible for the same three months' notice to discontinue the use thereof.

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B.—Receipt and Distribution of Explosives.

Receipt and delivery of explosives.

87. Every explosives magazine shall be in charge of a person acquainted with the nature of explosives, whose name shall be entered in a book to be called the "Explosives Storage Book" and who shall be responsible for the proper receipt, storing and distribution of the explosives, and shall keep full particulars of all receipts and deliveries in the said book which shall be kept in the magazine.

He shall only receive and deliver explosives which are in good order and condition.

Explosives to be issued on written order.

88. No explosives may be issued from a magazine unless upon the written order of an authorised person.

Requirements for one day only.

Only the probable number of cases of explosives required for a day may be issued for each working place.

The mines' explosives only may be used.

89. Gangers are not allowed to use at their working places any explosives which are not supplied to them from the magazine of the mine where they are employed.

Daily delivery must be recorded.

The daily delivery of explosives to each ganger shall be clearly and accurately recorded.

Permission required to take away explosives.

90. No workman is allowed to take away from the mine any explosives supplied to him for use at the mine without the written permission of the manager.

Frozen dynamite must be thawed before being issued.

91. Frozen dynamite and other nitro-glycerine preparations may not be distributed to the workmen in such condition, but shall first be thawed in a moderately warm place above or below ground.

Precautions in thawing.

The thawing of frozen nitro-glycerine preparations shall not be effected by placing them near a fire or steam boiler, nor in any place which is or may become hotter than can be borne by the naked hand.

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Precautions in opening cases.

92. Only implements of wood, brass or copper may be used in opening cases containing explosives, except where cases are screwed down, when an iron screw-driver may be used to withdraw the screws, but for no other purpose.

Smoking, etc., forbidden in magazine.

93. The person in charge of a magazine shall prevent any person entering the magazine when smoking or carrying anything which might cause combustion.

C.—Transport of Explosives.

Transporting detonators with dynamite forbidden.

94. In no case may detonators be transported in the same vehicle or carried in the same case or canister with dynamite or any other nitro-glycerine compounds.

Notice to engine-driver.

95. Proper notice shall be given to the engine-driver, banksman, immediately before explosives are conveyed in a shaft by means of machinery.

Conveyance of explosives in a shaft.

96. The engine-driver shall gently lower or raise the cage or other conveyance containing explosives, and the explosives may only be placed in or taken out of the shaft conveyance by the person duly authorised thereto.

Carrying explosives; precautions.

97. Whilst carrying explosives (unless such explosives be contained in unopened cases) persons shall not be permitted to carry any light. Underground they shall be preceded by a person carrying a light, whose duty it shall be to give proper warning of the approach of explosives.

Persons when handling or carrying explosives shall not be permitted to smoke.

Penalty.

98. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent court of contravening any such regulation shall be liable to a fine not exceeding £50 (fifty pounds) or in default of payment to imprison-

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ment with or without hard labour for a period not exceeding six months.

PART IX.

BLASTING.

Blasting certificates.

99. No person shall be allowed to conduct any blasting operations in or about a mine unless he holds a blasting certificate. Such certificate shall be in the form prescribed by the Chief Inspector of Mines. Such certificate shall be issued by the Inspector of Mines to any person who shall prove to the satisfaction of the said Inspector of Mines that he is competent to take charge of blasting operations.

Blasting certificates shall be issued free of charge for a period not exceeding six months and every certificate shall be renewed during the first week in January and July. Such renewal may be effected by the medium of the post.

Should any holder of a blasting certificate cause an accident which in the opinion of the Inspector of Mines was due to carelessness, negligence, incapacity or inebriety of the said holder the Inspector of Mines shall cancel such certificate and he may refuse to renew it for any time he may think proper subject to a right of appeal by the holder to the Chief Inspector of Mines within ten days of such cancellation or refusal.

A manager of a mine may grant provisional blasting certificates valid for one month to persons who can satisfy him of their fitness to receive the same.

To be retained by manager.

100. Every mine manager or mine overseer upon engaging a miner shall examine his blasting certificate and retain the same until the termination of his engagement.

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Miner conducting blasting must hold a certificate.

101. At every working place where blasting is carried on the miner or ganger on each shift shall be a person holding a blasting certificate, who shall see that the rules for blasting as set forth hereafter are observed.

Large gangs must be divided.

102. In case a gang of workmen is so large that one ganger is unable himself to properly conduct the blasting operations such gang shall be divided into two or more parties each under an experienced miner holding a blasting certificate.

Preparing and firing charges —certificated miner may be assisted.

103. In the preparation of charges and the firing of such charges, a certificated miner or ganger may be assisted by reliable persons who do not possess a certificate, when acting under his direct supervision, but he shall be personally responsible for any accident occurring through their ignorance, inexperience, or carelessness and in no case shall any uncertificated person actually charge any drill holes.

Ganger responsible for those under him.

104. It is the special duty of the ganger or miner in charge to see that every one working under him is acquainted with the danger attending the contravention of Regulation 105, paragraphs (*l*), (*m*) and (*n*).

Rules to be observed by gangers.

105. Gangers or miners in charge are personally responsible for the due and proper observance of the following rules :—

Storage of explosives.

(*a*) Explosives shall be kept in a dry place at a safe distance from the working places and in a properly constructed wooden box fitted with lock and key. On the cover of the box, or on a board against the wall above it, the word "Explosives" must be painted in distinctly legible letters. This box shall be kept locked and the ganger or miner shall keep the key of the box, and only unlock it when

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he places explosives therein or removes the same therefrom. No other materials, implements or tools may be placed in a box in which there are explosives.

The detonators shall be kept separately in a locked box placed at a safe distance from the box containing the explosives. Storage of detonators.

(*b*) An unprotected light shall not be placed on the cover of a box in which there are explosives or detonators. Unprotected light forbidden on explosives box.

(*c*) All lights shall be removed to a safe distance before any case containing explosives is opened and also during the preparation of charges. Opening cases and preparing charges, lights at safe distance.

(*d*) Smoking by persons whilst handling explosives or detonators is prohibited. Smoking prohibited.

(*e*) Explosives of every kind shall only be used in the form of cartridges. Only cartridges allowed.

(*f*) When blasting with dynamite or other high explosives, the fuse, with the attached detonator, may only be inserted in the so-called primer cartridge shortly before use. In making up a charge the fuse with detonator attached shall, after being inserted in the primer cartridge, be securely fastened thereto by means of a string or other suitable material so that the fuse with detonator cannot be inadvertently withdrawn. Detonator and fuse, attachment to primer.

(*g*) In charging or in stemming holes for blasting a person shall not use any iron or steel scraper, pricker, or ramrod and no explosive may be forcibly pressed into a hole of insufficient size. Charging stick —forbidden materials.

(*h*) Only sand loosely filled in, soft clay slightly tamped, or water may be used as tamping material for charges of dynamite or other high explosives. Tamping.

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Firing charges.

(*i*) Before firing charges due warning shall be given in every direction by shouting "Fire!" and all entrances to the place or places where such charges are being fired shall be guarded to prevent inadvertent access thereto whilst firing operations are going on.

Counting explosions.

(*k*) The number of shots exploding except in case of electric firing shall be counted by at least two persons one of whom shall be the ganger or miner who fired the charges. If they are not both certain that all the shots have exploded no one shall be allowed to enter the working place for a period of thirty minutes after the fuses were lighted; and, if such miss-fire occurs at change of shift, the ganger or miner who fired the shot shall forthwith report such miss-fire or miss-fires, as well as any other matter requiring attention, to the mine overseer and to the ganger of the following shift. The responsibility for warning the ganger of the next shift rests with the ganger firing the shots. If the shots are fired by electricity the place may immediately be re-entered after the ganger has disconnected the cable of the battery.

Miss-fire must be reported.

Withdrawal of charges forbidden.

(*l*) Explosives shall not be extracted from a hole which has once been charged; the tamping may only be withdrawn sufficiently to allow a missed shot being fired.

Deepening of holes forbidden.

(*m*) The deepening of holes or any part of holes left standing is strictly prohibited unless it is positively known that they have not been previously charged with explosives.

Direction of holes near miss-fires.

(*n*) Drill-holes bored near to holes in which the charge

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has missed fire shall be given such a direction that they cannot come in contact with them.

Ganger must indicate direction of holes.

(*o*) The ganger shall point out to each native driller working under him the exact position and direction of the bore-hole to be drilled, and see that he does not deviate therefrom.

Loose ground to be removed before starting to drill.

(*p*) Before beginning to drill a hole all loose and loosened rock and ground must first be removed from the face and immediate vicinity of the working place.

Electric firing —place to be examined for miss-fires.

(*q*) When firing of holes is done by electricity the miner in charge shall after firing and disconnecting the cables of the battery examine the place carefully before permitting men to work therein. The miner in charge shall further instruct those employed in clearing away the loose rock or coal from such place to immediately report to him the finding of any wires in or under the loose rock or coal and in the event of such being discovered he shall at once order the work to cease until he has carefully traced such wires to their terminals in order to determine whether a miss-fire has occurred.

Ganger must be the first to enter working place.

(*r*) Before commencing work either at the beginning of a shift or after blasting, the ganger of the shift shall be the first to enter the working place, and, until he considers it safe, he shall not allow any workmen to proceed thereto except those required by him to make the place safe.

Holder of blasting certificate responsible for safety.

(*s*) The holder of a blasting certificate is responsible for the safety of all persons not in the possession of a blasting certificate who may be working in the same place, whether they are under his direct

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supervision or otherwise, and he shall be further responsible that no person enters the place until the fumes caused by the explosives shall have been sufficiently dissipated.

Ganger not holding a certificate must be assured of safety.

(*t*) A ganger, who is not the holder of a blasting certificate, in charge of natives shall satisfy himself as to the safety of his working place, either by examining it himself, or if he is not fully competent by causing it to be examined by a qualified person.

Penalty.

106. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding thirty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

PART X.

MINE PLANS.

Mine plans.

107. When required by the Chief Inspector of Mines the following plans or as many as may be specified by him shall be kept in the office at every mine:—

Surface rights, boundaries, co-ordinates, etc.

(*a*) A plan, or true copy thereof, showing the boundaries of the mining property, all the mynpachts, water rights, machine stands, workshop sites, or other surface rights which may have been duly granted by the Mines Department, also the claim ruling, claim numbers, sides, angles, and co-ordinates as shown on the claim diagrams, and

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the co-ordinates referred to the same axis and origin as the co-ordinates of the farm beacons.*

This plan shall be drawn to the same scale as that required under sub-section (*b*) and shall at all times be correct to within at most six months from date.

Correct to within six months.

(*b*) A general surface plan, or true copy thereof, of the property (farm, mynpacht, claims, or other holdings) belonging to the mine, showing the boundaries of such mining properties, the outcrops and dip of the reef or reefs or other mineral or alluvial deposits, shaft openings, all open surface working bore-holes, buildings, water-courses, reservoirs, tailing sites, public roads, railways, permanent tramways, electric power, public telegraph and telephone lines, cable ways, main pipe lines and fences, and all surface objects which it is needful to protect from undermining.*

General surface plan, showing boundaries, reefs, open workings, and other suface objects.

This plan shall at all times be correct to within at most one year from date.

Correct to within one year.

(*c*) An underground plan, or true copy thereof, showing clearly the boundaries of the mining properties, also all shafts, drives, winzes, raises, cross-cuts, stopes, safety pillars, stations, underground explosives magazines, shall be clearly shown, and all veins, spurs, or leaders that are being exploited, and all faults and dykes, also important changes in the dip of the reef, lode or mineral bed shall be indicated.†

Underground plan, showing workings, magazines, reefs, etc.

Where different reefs or mineral deposits lie one above the other, the workings on each reef

Overlying reefs to be shown on separate plan by request.

* See sections 113 and 114.

† See section 113.

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or mineral deposit shall be shown on a separate plan by special request of the Inspector of Mines.

Correct to within three months.

This plan shall at all times be correct to within at most three months from date.

General underground plan to same scale as general surface plan.

(*d*) A general underground plan, or true copy thereof, similar to the one mentioned in paragraph (*c*) of this regulation, but drawn to the same scale as the general surface plan mentioned in paragraph (*b*) of this regulation.*

Correct to within six months.

This plan shall at all times be correct to within at most six months from date.

Cross sectional plan.

(*e*) A plan, or true copy thereof, showing the transverse section or sections of the workings, and drawn through the shaft or shafts of the property, indicating clearly the dip of the strata and reef and any dislocation of strata, intrusive rock, etc.†

Correct to within one year.

This plan shall at all times be correct to within at most one year from date.

Vertical projection where reef dips more than 60 degrees.

(*f*) Where a reef has an average dip of more than sixty degrees, a vertical projection shall be made of the mine workings.†

Scale of plans.

108. The plans provided for in paragraphs (*a*), (*b*), and (*d*) of the last preceding regulation shall be laid down on a scale of either one in five hundred, or one in a thousand, one in two thousand, one in two thousand five hundred, or one in three thousand according to the size of the property, and the underground plans, provided for in paragraphs (*c*), (*e*), and (*f*) of the last preceding regulation, on a scale of one in five hundred or one in a thousand.

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* See sections 113 and 114.

† See section 113.

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109. In all mine surveys measurements shall be made in English feet and decimals of a foot.

All surveys in English feet.

110. The co-ordinates of the surface and underground surveys shall be referred, where practicable, to the same axis as the co-ordinates of the farm survey on which the property is situated.

Co-ordinates must be referred to same axis farm survey.

The co-ordinates of farm beacons are obtainable from the Surveyor-General.

Co-ordinates of farm beacons obtainable from Surveyor-General.

111. Where the mining property includes two or more claim diagrams, the co-ordinates of which are mutually inconsistent, the matter shall be brought to the notice of the Chief Inspector of Mines before the plans are proceeded with.

Chief Inspector of Mines to be informed of inconsistent co-ordinates.

112. On all mining properties a permanent bench-mark shall be established; should there be no suitable permanent stone structure one shall be built for this purpose.

Permanent bench-mark is compulsory.

All levels taken above and below ground shall be referred to a plane above this bench-mark; the height of this plane shall be fixed in each district by the Chief Inspector of Mines, and all elevations shall be stated in feet and decimals of a foot below this plane.

All levels must be referred to plane above bench-mark.

113. Managers of mines shall when required by the Chief Inspector of Mines deposit with the Inspector of Mines a true copy on the best mounted paper of the plan referred to in paragraph (*b*) of Regulation 107, and a copy upon tracing cloth of the plans mentioned in paragraphs (*a*) and (*d*), and upon the special request of the Chief Inspector of Mines a copy upon tracing cloth of the plans mentioned in paragraphs (*c*), (*e*), and (*f*).

Copies of plans to be deposited with Inspector of Mines.

114. The copy of plan (*b*), Regulation 107, shall be

Plans to be brought up to date.

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brought up to date once every year by the manager, and delivered to the Inspector of Mines not later than the first of June each year, and the copies upon tracing cloth of plans (*a*) and (*d*) shall be brought up to date once every six months by the manager and delivered to the Inspector of Mines not later than December first and June first each year.

For this purpose the Inspector of Mines shall at the written request of the manager return to him such copies at any time subsequent to September first and March first respectively.

No information will be given by Mines Department.

115. No copies of the plans referred to in this section or any information concerning them shall be given by the Mines Department to any unauthorised person, nor shall such plans be open to the inspection of any such person without the permission of the mine manager.

Workings must be surveyed before abandoning.

116. In case of a mine or any part of it being abandoned the underground plan shall first be completed up to date. In like manner all underground workings shall first be surveyed before being allowed to become inaccessible.

Procedure when manager fails to supply correct plans.

117. Should the manager of a mine when requested fail to keep correct plans as prescribed in these regulations or should he neglect to furnish the Inspector of Mines with true copies of such plans or the extensions in accordance with these regulations, the Chief Inspector of Mines shall have the power to cause such plan or plans of the mine to be made or extended at the expense of the owner of the mine.

Penalty for incorrect plans.

118. The manager of a mine who withholds any portion of a mine plan, or conceals any part of the workings

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or knowingly and wilfully allows these mine plans to be or remain incorrect, is liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Penalty.

119. In case of contravention of any regulation of this Part for which no penalty is prescribed, any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding thirty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

PART XI.

RETURNS FROM MINES FOR STATISTICAL PURPOSES.

Monthly returns to be rendered in duplicate.

120. The manager of a mine shall forward to the office of the Inspector of Mines of the district concerned complete and correct returns in duplicate for the preceding month of the work accomplished during that month, the workmen employed, wages paid, and the results obtained including the value of the output.

Not later than tenth of month.

These returns must reach the office of the Inspector of Mines not later than the tenth of each month, and must be written intelligibly in such form as may from time to time be prescribed for that purpose by the Chief Inspector of Mines.

Returns—forms obtainable from Inspector of Mines.

121. Persons who in terms of the preceding regulation have to make monthly returns may obtain the necessary forms for one or more months in advance at the office of the Inspector of Mines, either by personal application or written request through the post and are responsible for

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the consequences should they neglect to provide themselves with the necessary forms in time.

Other returns to be provided if required.

122. Besides the returns mentioned in Regulation 120 the person named therein must provide the Chief Inspector of Mines at his request from time to time with such other returns and data as may reasonably be required for the purpose of statistical information, and the Chief Inspector of Mines shall then fix a reasonable time within which the returns so requested must be made.

Accuracy to be sworn if necessary.

123. The Inspector of Mines has the right, should he deem it desirable, to require that the accuracy of the returns mentioned in this Part be sworn to.

Penalty for false statements.

124. Any one who intentionally sends in false statements, or who refuses to take the oath mentioned in the preceding regulation, shall be guilty of an offence against these regulations and shall upon conviction thereof before a competent Court be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Penalty.

125. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

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PART XII.

WORKMEN.

Drying room.

126. When required by the Inspector of Mines a suitable drying room shall be provided at every mine, proportionate in size to the number of white miners employed in which room they may change and dry their clothing, and every such white miner may make use of this room when coming off shift.

Engine and boiler houses not to be used.

Engine and boiler houses shall not be used for this purpose.

Record of employees must be kept.

127. A sufficient record must be kept in the office at every mine of all persons, white and coloured, employed in and about the mine.

Intoxicated persons are not allowed in or about a mine.

128. No person in a state of intoxication or in any other condition which may render or be likely to render him incapable of taking care of himself or of persons under his charge shall be allowed to enter a mine or to be in proximity of any working place on the surface or near to any machinery in motion within any mining property; and any person who may have entered a mine or be found at any working place above or below ground in an unfit state for work owing to intoxication may be immediately arrested by the manager or some person duly appointed by him and immediately handed over to the police and shall be deemed to be guilty of an offence against these regulations.

No intoxicating liquor allowed.

129. No intoxicating liquor shall be taken by any person into any mine or to any place of work at a mine unless with the special permission of the manager, and any workman having intoxicating liquor in his possession whilst at

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work or at a place of work shall be deemed guilty of an offence against these regulations.

Penalty.

130. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

PART XIII.*

PROCEDURE IN CASE OF ACCIDENT.

Accidents—notice to be sent by manager.

131. Whenever an accident occurs at a mine subject to these regulations which results in the death or serious personal injury to one or more persons the manager shall immediately by the quickest means available give notice thereof in writing, and also by telegraph or telephone where practicable, to the Inspector of Mines for the district, and also to the Magistrate in case of death, stating full particulars regarding such accident.

Magistrate to be informed in case of death.

Serious personal injury.

By serious personal injury is meant such an injury as in the opinion of an admitted physician may result in the injured person being incapacitated from work for at least fourteen days.

Death resulting subsequently must be notified.

132. When serious personal injury results in the death of the person injured after the official report has been forwarded, or when any slight injury of which no official notice was given results in the death of the person injured, the

* See Part XXIV, *infra*.

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manager must give notice thereof to the Inspector of Mines and Magistrate without delay.

Fatal accidents—the place must be left until examined by the Inspector of Mines unless other lives are endangered.

133. Where any personal injury immediately results in the death of the person injured the place where the accident occurred shall after the removal of the injured person or persons be left precisely as it was immediately after the accident until the Inspector of Mines has visited it and examined it, unless it can be proved that the discontinuance of the work at this place would endanger the lives of other persons or seriously impede the working of the mine: Provided that should the Inspector of Mines fail from any cause to attend within three days after notice of the accident has been despatched, work may be resumed at the place in question.

Enquiry will be held by Inspector of Mines.

134. The Inspector of Mines, on the receipt of the report of an accident, will immediately visit the place where it has occurred and enquire into the circumstances which have caused it.

Requirements of Inspector of Mines.

For the purpose of such enquiry the Inspector of Mines or his deputy:—

Attendance of persons.

(*a*) May require by summons the attendance of such persons as he may think fit for the purpose of such examination.

Production of books or documents.

(*b*) May require the production of any books, papers, and documents which he considers important for the purpose.

May administer oath.

(*c*) May administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.

Non-compliance with summons, or hindrance to official.

Any person who, without reasonable excuse, fails to comply with any summons or requisition of the Inspector

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of Mines holding such enquiry, or prevents or impedes such officer in the execution of his duty, shall for every such offence be liable to a penalty not exceeding fifty pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding six months, and in case of failure to comply with a requisition for making any return or producing any documents to a penalty not exceeding twenty-five pounds during each such day that such failure continues.

Certificate of enquiry.

On the conclusion of such enquiry the Inspector of Mines shall issue to the manager of the mine or works a certificate that such enquiry has been held.*

Contravention of regulations —Magistrates to be informed.

135. When, as the result of the enquiry held by the Inspector of Mines or his representative, it appears that there has been a contravention of these regulations the Inspector of Mines shall immediately give written notice to the Resident Magistrate of the district or to his assistant of the result of his examination.

Investigation by Magistrate.

136. At all investigations resulting from mining accidents, or from other causes specified in these regulations, held by a Magistrate, the Inspector of Mines or his representative shall be at liberty to appear and to examine any witness subject nevertheless to the order of the Magistrate on points of law. At least twenty-four hours' notice of such investigation shall be given to the Inspector of Mines by the Magistrate.

Investigation by Magistrate or J.P. if the Inspector of Mines is unable to attend.

137. After forty-eight hours have elapsed subsequent to the occurrence of an accident resulting in death or personal injury, and if the Inspector of Mines owing to the distance has been unable to proceed to the place of

* See section 137.

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the accident, the responsible person in charge of the mine or works shall immediately inform the nearest Magistrate or Justice of the Peace of the accident and of the inability of the Inspector of Mines to attend, thereupon the Magistrate or Justice of the Peace shall cause an investigation to be made on the spot into the cause of the accident, and shall issue the certificate provided for in Regulation 134, sub-section (*c*).*

A copy of the evidence taken at such an investigation shall be forwarded to the Inspector of Mines of the district.

Copy of evidence to be sent Inspector of Mines.

138. Whether personal injury is caused or not, every accident occurring in connection with the winding arrangements and included in the following classification shall be reported without delay to the Inspector of Mines:—

Serious winding accidents shall be reported.

(1) Engine running out of control;
(2) Fracture of any essential part of winding engine, crank shaft, couplings, bearings, gearing, clutch, drums, or drum shafts;
(3) Fracture of winding rope or of its attachment to skip, cage, or drum;
(4) Fracture of pit-head sheave or axle or bearing of same;
(5) Jamming of skip or cage in shaft;
(6) Derailment of skip or cage in motion by which, in the opinion of the management, the winding rope is possibly overstrained;
(7) Failure of efficiency of brake;
(8) Failure of safety catch to act when required;
(9) Failure of over-winding prevention device to act when required;
(10) Sheaving of cage or skip.

* This evidently refers to the certificate mentioned at the end of section 134.

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Mine register of accidents.

139. At each mine or works a register in the form to be prescribed by the Chief Inspector of Mines shall be kept in which all accidents which in terms of this Part are required to be reported to the Inspector of Mines, occurring at such mine or works, must be recorded; and within one month after the thirtieth of June of each year a complete list of such accidents for the preceding twelve months must be sent to the Inspector of Mines.

Penalty.

140. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding twenty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

PART XIV.

AMBULANCE.

Stretchers must be kept ready for use.

141. At every mine a sufficient number in the opinion of the Inspector of Mines of properly constructed ambulance stretchers and ambulance stretchers on wheels shall be kept ready for use proportionate to the number of persons employed thereat.

Splints, bandages, etc.

142. At every mine there shall be kept either at the office or in a special room a sufficient supply of splints, bandages, tourniquets, and other surgical accessories as the size of the mine demands.

Ambulance shall be under charge of reliable person.

143. At every mine employing over two hundred men not having a resident surgeon the ambulance shall

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be under the charge of a reliable person, approved of by a qualified medical practitioner competent to apply splints and bandages in urgent cases.

In cases of accidents manager shall send for nearest doctor, and shall have injured person conveyed to his abode or an hospital.

144. When any person employed in or about a mine or works receives injury by accident or otherwise the manager shall be responsible that the nearest qualified medical practitioner is sent for unless the regular medical practitioner appointed to the mine resides within two miles of the scene of accident. If the injured person is unable to proceed unaided to his abode or to an hospital the manager of the mine shall immediately have such person conveyed to his abode or to an hospital in the safest, best and quickest way at the expense of the owner of the mine.

Penalty.

145. In case of contravention of any regulation of this Part for which no penalty is prescribed any person convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

PART XV.

RESPONSIBILITY IN CONNECTION WITH MINES.

The owner of a mine, if absent, shall give name and address of his agent.

146. The owner of a mine subject to these regulations who may be temporarily or permanently absent from the Orange River Colony shall give notice in writing to the Inspector of Mines concerned of the name and address of a person residing in the Orange River Colony

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who shall be his agent or representative for the purpose of these regulations, and of any change of such agent, who shall have the same responsibility as the owner. In the absence of any such notice the person acting as manager of such mine shall be deemed to be the owner for the time being, provided that when a mine is owned by a company or syndicate the acting chairman or, failing him, the directors or members of such company or syndicate shall jointly and severally be deemed to be the owner.

Failing such notice the manager or acting chairman shall be deemed to be the owner.

The owner of a mine subject to these regulations shall without delay furnish the Inspector of Mines with the name of the mine, company or syndicate in writing: he shall also furnish him (in writing) with the name and address of the manager, who is responsible under these regulations for the working of the mine, and shall likewise give such notice of any change of manager or of the name of the mine, company, or syndicate within three days of such change.

Owner shall furnish name of mine, name and address of manager and any change of names.

147. Where any working is commenced for the purpose of opening a mine or the working of a mine has been temporarily or permanently discontinued or abandoned, or where the working of a mine is recommenced after any such discontinuance or abandonment, the manager or, failing him, the owner of such mining property shall immediately give written notice thereof to the Inspector of Mines.

Commencing, discontinuing, or recommencing work on a mine—notice must be given.

148. In case of the abandonment of a mine the owner or manager at the time of such abandonment shall continue to be responsible for the carrying out of the regulations laid down regarding the protection of the surface and the furnishing of plans under Part X and

Abandonment of a mine—owner or manager responsible for carrying out regulations.

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the sending in of returns as required under Part XI until such regulations shall have been complied with.

Upon the Inspector of Mines being satisfied that such regulations have been duly complied with, he shall issue a certificate to that effect, and the owner shall thereupon be relieved from all responsibilities.

A certificate shall be issued when such regulations are complied with.

149. The working of a mine shall be carried on under the control and responsibility of the manager.

Manager responsible for the working of the mine.

150. Where in any of the provisions of these regulations no particular person is named as being directly responsible, the responsibility shall rest with the manager.

Responsibility of manager.

151. In case an accident has been caused through an incompetent or inexperienced workman (or workmen) being employed on dangerous work the manager shall be held responsible unless he can prove that he has taken proper precautions.

Manager responsible for accidents occurring with incompetent workmen.

152. The manager shall provide for the safety and proper discipline of the men employed above and below ground, and shall appoint such persons as may be necessary to carry out the provisions of these regulations, or any part thereof, and unless he proves that he has taken all reasonable measures by enforcing to the best of his ability these rules, he is guilty of an offence against these regulations.

Manager shall provide for safety of workmen, publish and enforce regulations.

153. The manager of a mine under these regulations, or in case of alluvial diggings the claimholder, shall be responsible for the sanitary condition of such mine or claim and also that the following provision be observed:—

Manager responsible for sanitation.

That on the surface and, in the case of a mine, also in the underground workings there shall be provided sufficient and suitable accommodation in the way of sanitary con-

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veniences, regard being had to the number of persons employed in the mine.

Owner responsible for refusing manager necessary means.

154. When the manager of a mine can prove that the necessary means for carrying out these regulations have been refused him by the owner or his agent, the latter will be held responsible for the consequences.

Each working place must be visited once a shift.

155. The manager or the mine overseer or a shift boss acting under the foreman's instructions shall, at least once in every shift whilst the men are at work, visit each working place and shall see that safety is assured in every respect.

Penalty.

156. In case of contravention of any regulation of this Part for which no penalty is provided any person convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding fifty pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

PART XVI.

INSPECTIONS.

Power of Inspectors.

157. An Inspector of Mines under these regulations shall have power to do all or any of the following:—

To make enquiries and examinations.

(*a*) To make such enquiry and examination as he may consider necessary to ascertain whether the provisions of these regulations or his notices are duly complied with.

To enter or inspect any mine.

(*b*) To enter, inspect or examine any mine and any part thereof and any other places that are subject

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to these regulations at all reasonable times by day and by night, but not so as to impede or obstruct the working of the mine.

(*c*) To examine into and make enquiry respecting the state and condition of any such mine, or other place or any part thereof, and into all matters and things connected with or relating to sanitation or the safety of the persons or to the care and treatment of animals employed in or about such mine or other place. To examine into condition of any mine, safety of persons and treatment of animals.

(*d*) To exercise such powers as may be necessary for carrying these regulations into effect. To exercise powers for carrying regulations into effect.

(*e*) Whenever an Inspector of Mines finds at or on a mine, or part thereof, that any thing or practice connected therewith in any or every respect is dangerous or defective, or by its absence tends to cause bodily injury to a person or persons and the said thing or practice is not provided against by any provisions of these regulations by any special rule of the mine, he shall give notice thereof in writing to the manager of such mine, stating in the notice the particular matter or practice requiring remedy and may demand that the same be forthwith remedied. Any practice or omission dangerous to safety and not provided for in regulations shall be remedied.

In such a case the manager of the said mine shall however have the right to appeal from such instructions or decision of the Inspector of Mines in the manner laid down in Part XVII. Right of appeal.

158. No person shall be precluded by any agreement from doing, or be liable under any contract in damages for doing such acts as may be necessary in order to comply with the provisions of these regulations. No agreement or contract shall prevent a person from complying with regulations.

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PART XVII.

APPEAL.

Appeal from Inspector of Mines.

159. From any decision or instructions given by the Inspector of Mines under these regulations the manager of a mine or works subject to these regulations may, within fourteen days, lodge a written appeal with the Chief Inspector of Mines.

Manager may ask for decision of Chief Inspector of Mines or decision of a special commission.

The manager may ask for either

(1) The decision of the Chief Inspector of Mines.

(2) The decision of a special commission.

Action shall be taken as soon as possible.

In either case action shall be taken by the Chief Inspector of Mines as soon as possible, and either decision shall be final.

Deposit for special commission.

In applying for special commission the appellant shall deposit with the Chief Inspector of Mines the sum of fifty pounds.

Constitution of special commission.

160. The special commission shall consist of five members to be appointed in the manner following:—

The Chief Inspector of Mines or his representative shall be a member as well as chairman; two members shall be nominated by the appellant and two by the Chief Inspector of Mines; of these two last members one shall be chosen from amongst the mine managers of the Orange River Colony.

Costs if decision is against appellant.

161. In case the decision of the committee be given against the appellant in any respect he shall be ordered to pay the entire cost of the commission, or such proportion thereof as the commission may determine, and the deposit lodged with the Chief Inspector of Mines may be forfeited in whole or part for this purpose.

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162. The members of such a commission other than Government officers shall each receive a remuneration of three pounds per day with all reasonable travelling expenses while engaged in the actual examination. Remuneration to members of commission.

PART XVIII.

MISCELLANEOUS.

163. Steam-boilers, engines and all other machinery at a mine coming under the provisions of these regulations shall be in charge of a competent mechanical engineer. Mechanical engineer shall have charge of machinery and boilers.

164. No person shall damage anything which has been provided for the protection of underground works or for the safety of the workmen or for the protection of the surface, nor is any person permitted to alter, remove or in any way render useless any arrangement in or about the mine provided for the before-mentioned purpose without the consent of the manager. No damage shall be done to anything provided for safety or protection.

165. Unauthorised entrance into any mine or into any shaft, shed or place or building where machinery or steam-boilers have been erected is prohibited. Unauthorised entrance to mine prohibited.

Notice to this effect must be posted up by the manager at all entrances to such places. Notice to be posted.

166. For the purpose of making known the provisions of these regulations to all persons employed in or about a mine an abstract of the portions of these regulations directly concerning the workmen shall be posted up in suitable places at the mine where it can be conveniently read, and a copy of the "Mines Regulations" or of such abstract must Abstract of regulations must be posted and provided to employees.

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be supplied at cost price to every employee when engaged by the manager or his representative, unless he is already in possession of the same.

Renewal on obliteration.

167. So often as the posted copies become defaced, obliterated, or destroyed, they shall be renewed with all reasonable despatch.

Penalty for destroying notices.

168. Any person pulling down or otherwise defacing the before-mentioned notices when so posted up shall be liable to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for fourteen days.

Samples may be taken.

169. The Inspector of Mines has the right to take, or cause to be taken, samples of ore, coal, or other minerals from such reefs, beds, or deposits, or from the minerals extracted, as he in the execution of his duty may deem necessary.

Man in charge must instruct workmen in regulations.

170. Where any workman, especially a person of colour, is unable to read the regulations, the person in charge shall see that such workman is made acquainted with the regulations concerning him or appertaining to his particular occupation and duties.

Ignorance of regulations shall not exonerate any responsible person.

171. Ignorance of the provisions of these regulations or of any portion of them on the part of any owner, manager, or any responsible person concerned shall not in any way exonerate him from any responsibility or liability in respect of any contravention of these regulations or any portion of them.

A person may be liable under other laws despite these regulations.

172. Nothing in these regulations shall prevent any person from being indicted or liable, under any other law of the Orange River Colony or otherwise, to a higher

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penalty or punishment than is prescribed for the offence by these regulations provided that no person be punished twice for the same offence.

173. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding two months. Penalty.

PART XIX.

COMPOUNDS ON MINES.

174. No coloured person employed on any mine or digging shall be confined within any mine, mining area or compound except only under a contract voluntarily entered into by him, nor in such case for a longer period than six months; but such contract may be renewed from time to time for any period not exceeding six months. No coloured person to be confined within a compound except under agreement.

175. The entire amount of the wages earned by and payable to any coloured person employed in or about any mine or digging, in which the compound system is in force, shall—any contract to the contrary notwithstanding—be actually paid to him in the current coin of the Colony and without any stipulation as to how, where or with whom the whole or any part shall be spent; and should such wages or any portion have been paid in goods or otherwise than in current coin, then such coloured employee may sue for and shall be awarded wages at the highest rate paid for Wages to be paid in the current coin.

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on the mine for the class of work on which he has been employed, subject to the deduction only of such amount as may have already been paid in such current coin.

No license to trade within any compound or proclaimed mine or mining area shall under any circumstances be granted; and no sale of goods or merchandise, whether by hawking or private barter or otherwise, shall be permitted within these limits.

Manager to provide goods and merchandise.

176. Where on any mine the coloured employees are confined within the mining area or compound the responsible manager thereof shall provide without license for the coloured employees any goods, wares or merchandise that may reasonably be necessary for their comfort and well-being during the period of their detention, but upon the following conditions only :—

(1) That when it is intended to start procuring goods for the above purpose due notice thereof shall be given to the Inspector of Mines for the district.

(2) That unless permission to the contrary has been obtained from the Colonial Secretary all goods, wares and merchandise so required shall be purchased within the Colony and whenever possible within a radius of thirty miles from the mine.

(3) That the owner or owners or workers of such mine or their responsible manager shall not have any interest in the shops, stores or trading companies or associations from which such goods, wares, or merchandise are bought, or derive any benefit direct or indirect from such purchase.

(4) That the goods, wares or merchandise shall be sold to the coloured employees at as nearly as possible the actual cost of same delivered on the mine, and without profit but for cash payment only.

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(5) That proper books and all invoices, receipts and other documents necessary to prove that this regulation is being complied with shall be kept, that these shall at all times be freely accessible to the Inspector of Mines or such other Government official as may be given the duty of their inspection.

Entrance to compounds.

177. When any mine or mining area or any portion of either has been securely fenced in with the purpose and to the effect of excluding the public, the Inspector of Mines shall after consultation with and with the consent of the responsible manager of the mine determine the entrances to the area as fenced, after which (these entrances having been indicated in each case by a board having the words "Entrance to the mine" and the equivalent words in Dutch printed thereon) no person may enter or leave this area except by such entrances on penalty of a fine not exceeding fifty pounds for each offence or in default of payment of imprisonment with or without hard labour for a period not exceeding three months.

A mining area shall be considered fenced in the sense of these regulations when it shall have been completely surrounded by barbed wire fence not less than six feet in height and having not less than ten strands of wire for the distance, or any other fence which in the opinion of the Inspector of Mines is sufficient safeguard.

Permit required to enter compound.

178. Entrances to a mining area so fenced having been determined as above no person or persons other than those employed on the mine or in connection therewith or Government officials in the discharge of their duties may enter such area without permission first obtained from the responsible manager of the mine, or other official specially

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authorised by him to grant such permission under penalty on conviction before a Magistrate of a fine not exceeding five pounds sterling for each offence or in default of payment of imprisonment for a period not exceeding one month.

No person, white or coloured, employed within a fenced mining area, except managers or sub-managers, shall be permitted to leave the same during working hours under any pretext or for any purpose whatever unless he shall have obtained a proper permit so to do from a person duly authorised by the responsible manager to grant such permits under penalty on conviction before a Magistrate of a fine not exceeding three pounds sterling or in default of payment of imprisonment for a period not exceeding fourteen days.

Penalty for entering compound without a permit.

179. Should any person having obtained entrance to a fenced mining area through the fences or by the authorised entrances but without the permit required by Regulation 178 or should any employee of the Company under any circumstances obtain exit from or attempt to leave such fenced area by force, or attempt to evade the general manager or any duly authorised guards or search officials by running or rushing past when required to stop, he shall be liable on conviction before a Magistrate to a further penalty of a fine not exceeding fifty pounds sterling or to imprisonment with or without hard labour for a period not exceeding six months.

Printed copies of the last four preceding regulations shall be posted in a conspicuous position at or near the determined entrances to any mining area fenced in for the purpose of these regulations.

Searching of whites.

180. The searching of whites in terms of Regulations

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106 and 107 of the Mining of Precious Stones Ordinance, 1904, shall be subject to the following conditions :—

(1) That it shall be done only by or at the instance and in the presence of the responsible manager of the mine or of an official or officials specially appointed by him to this duty.

(2) That it shall be done in the presence of at least one other white man as witness.

(3) That it may only be done within a fenced-in mining area having an entrance or entrances determined and indicated as provided in these regulations.

Searching of whites.

181. That it shall be done within a room or building specially appointed and approved by the Inspector of Mines for that purpose, which room or building shall be situated within the fenced area or immediately joining an entrance thereto.

Searching of coloured persons.

182. The searching of coloured employees shall be permitted on any part of the mine or mining area irrespective of whether it is or is not enclosed and in any building thereon, but it may only be done by or at the instance and in the presence of the responsible manager or of an official or officials specially appointed by him for that purpose.

Coloured persons not employed on the mine or in connection therewith may be searched under the same conditions but only when and if found within a fenced mining area or within a building on unfenced mining area.

Guards to enclosed areas.

183. When a mining area shall have been fenced in the sense of these regulations it shall be lawful for the responsible manager to appoint guards for the purpose of preventing unauthorised persons entering or leaving

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such area, which guards may be empowered to arrest and detain any person attempting to do so or otherwise committing any breach of these regulations.

Penalty for obstructing a guard.

184. Any person obstructing any duly authorised search officials on guard in the execution of their duties shall be liable to a fine not exceeding ten pounds for the first offence, and for the second or any subsequent offences to a fine not exceeding twenty pounds.

Passing articles through a compound fence an offence.

185. The passing of or attempting to pass articles through the fences surrounding any mine, mining area or compound from within or without shall be an offence against these regulations.

On expiration of service.

186. When a coloured employee on any mine on which the compound system shall have been established shall have completed his term of service, it shall be permitted to retain him under confinement in suitable premises, specially approved by the Inspector of Mines for this purpose, for a further period not exceeding eight days before he is allowed to leave the mining area. During this period he shall remain subject to the authority of the mine officials and to such observation as they may consider necessary, but he shall be provided with reasonable comforts including medical attendance if required and shall not be required to do work of any description. The period during which such coloured employee may be so retained shall not be counted as part of the period of service stipulated for in his contract of service, nor shall any pay be given in respect thereof.

Disobedience of orders is punishable.

187. For the maintenance of proper discipline within the mine and mining area all disobedience of the reasonable orders of the responsible manager or his authorised officials

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and overseers, and all offences against good order and discipline not otherwise punishable are hereby made subject on conviction before a Magistrate to a fine not exceeding two pounds sterling or in default of payment to imprisonment with or without hard labour for a period not exceeding fourteen days.

Medical officer to visit compound.

188. Wherever the employees, white and coloured, on any mine on which the compound system has been established shall exceed 150 persons, it shall be necessary to appoint a properly qualified medical officer, who shall visit the mining area at reasonable intervals, give such attention as may be required in case of accident or sickness and advise the responsible manager as to health of the employees and the sanitary condition of the mining area and the compounds or other buildings thereon.

Hospital on a mine.

189. Hospital accommodation within or without the mining area proportional to the number of employees must be provided on any mine on which the compound system has been established, to the satisfaction of the Inspector of Mines or such other Government official as may have the duty of this supervision.

Infectious disease.

190. Should any infectious disease break out in any compound or mining area immediate notice thereof must be given to the nearest Magistrate, as well as to the Inspector of Mines for the district.

Register of deaths.

191. In all mines on which the compound system has been established a register of all deaths from disease or natural causes shall be kept, in which shall be entered such particulars as may reasonably be required and which shall at all times be accessible to any Government official whose duty it may be to examine same.

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Medical examination of coloured employees.

192. The responsible manager of any mine on which the coloured employees are confined within the mining area or compound shall be obliged to have all such coloured employees as are about to leave the district on the expiry of their term of service medically examined to ascertain that they are fit to travel, and should it be found that they are so unfit but that the matter is remediable within a reasonable time by further rest or medical treatment then it shall be obligatory on such manager to detain these for this purpose.

Penalties.

193. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding thirty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

PART XX.

INTERPRETATION OF TERMS UNDER MACHINERY AND BOILER REGULATIONS.

Interpretation of terms.

194. "Boiler." The term "Boiler," for the purpose of these regulations, shall be taken to mean any apparatus adapted to convert any liquid into steam, vapour or gas of a higher pressure than that due to the atmosphere. A boiler which contains steam, vapour or gas of a higher pressure than due to the atmosphere shall be considered as being in use.

Where such apparatus consists of a combination of

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two or more parts, each of which is capable of adaptation for use as a separate boiler by the mere fitting of one or more stop-valves or stop-cocks, each of these parts shall be considered to constitute a boiler and shall be treated as such in carrying out these regulations, except as stated otherwise in Regulation 211.

"User." The term "User" shall, for the purpose of these regulations, be taken to mean the person on whose behalf any boiler, steam engine, or mechanical appliance is used. With companies or syndicates the user shall be considered to be the manager or the person charged with the superintendence of the works.

In the absence of the user, the above responsibility shall rest upon his representative.

PART XXI.

GENERAL SAFETY MEASURES.

Competent persons to be in charge.

195. Steam boilers, engines, and all machinery shall be in charge of competent persons.

No person having charge of any mechanical appliance which, for the safety of life or limb, requires constant supervision may for any reason whatever absent himself from or cease to have continual supervision of such mechanical appliance during the periods for which he is in charge unless he be replaced by a competent person, nor shall any person in charge of such mechanical appliance be caused to work more than twelve hours per diem.

Exposed machinery to be fenced.

196. All exposed machinery, which when in motion may be dangerous to persons, must be securely fenced off

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so that no person can inadvertently come into contact with or be injured by reason of the same, and efficient guards shall be provided to the satisfaction of the Inspector of Machinery to such parts of machinery as may in his opinion be a possible source of danger to persons.

Wearing of loose clothing near moving machinery prohibited.

197. Persons engaged in close proximity to moving machinery shall not be allowed to wear loose outer clothing.

No repairing, oiling, etc., to be undertaken under risk.

198. The repairing, adjusting, cleaning or lubricating of machinery in motion shall not be undertaken where there is a risk of personal injury.

Automatic devices for oiling machinery whilst in motion shall be resorted to wherever practicable.

Friction clutches or similar contrivance to be provided.

199. Belt-driven machinery which it is necessary to stop and start without interfering with the speed of the prime mover shall be permanently fitted with a satisfactory mechanical appliance for the purpose.

Shipping and unshipping driving belts whilst the machinery is in motion is forbidden, with the exception of the customary shifting of light belts on the coned pulleys of machine tools for the purpose of alterations in the working speed.

Electrical machinery and conductors to be protected.

200. Electrical machinery and all electrical conductors shall be placed and protected in such a way that no person can inadvertently come in contact with or be injured by reason of the same, and efficient guards shall be provided to the satisfaction of the Inspector of Machinery to such parts of electrical machinery and conductors as may in his opinion be a possible source of danger to persons.

Regulations for safety of persons near electrical plant.

201. In addition to the provisions of Regulation 200 the following regulations shall be complied with :—

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(*a*) Notice warning persons from touching electrical machinery or appliances, or electric conductors of any description without authority, shall be posted up at suitable places.

(*b*) All switchboards erected after the application of these regulations shall have at the back a clear space of at least four feet. This space shall not be obstructed in any manner, and shall be kept closed except for the purpose of alterations and repairs.

(*c*) No examinations, repairs or alterations necessitating the handling of mains, wires, machines, or other apparatus, shall be carried on while such parts are under a pressure of more than 300 volts if the supply be of the continuous current system, or of 150 volts if of the alternating current system, unless such work be done by or under the constant personal supervision of a skilled electrician.

Indiarubber gloves shall be provided by the user for the use of such person or persons, and it shall be his duty to see that they are kept in a proper state of repair.

(*d*) All electric lines other than those efficiently connected to the earth, placed in or within seven feet of a building, except in case such building be used as a transforming station only (in which case it shall be securely locked up), shall be sufficiently insulated.

Notice to be given to person in charge of any apparent danger.

202. All workmen shall strictly observe the safety measures referred to in the preceding regulation, and unless their duty absolutely necessitates it, shall not trespass within the safety guards or fences erected under these regulations. In case they notice anything which might be

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dangerous to life or limb or to the working of the machinery they shall as soon as possible inform the person in charge thereof.

Safety valves.

203. All cylinders and receivers for air and gas of a higher pressure than the atmosphere shall be fitted with satisfactory apparatus for at all times showing the pressure of air or gas; also with a relief or safety valve or other apparatus capable of preventing any undue accumulation of pressure above safe working limit of the container (cylinder, receiver, or holder).

The user shall test these receivers at intervals not exceeding three years by hydraulic pressure to the extent of one and one-third times the working pressure.

A written record of such test signed by the person conducting the same shall be in the user's possession and open to inspection by the Inspector of Machinery.

Dangerous places to be fenced off.

204. Dangerous places such as elevated platforms, pits, trap-holes, etc., shall be fenced off so as to effectively safeguard those persons authorised to traffic in the vicinity.

Unauthorised entrance into any place where machinery or steam boilers are erected is prohibited.

Notice to this effect shall be posted up at all entrances.

Penalties.

205. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

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PART XXII.

GENERAL PROVISIONS REGARDING THE CONSTRUCTION AND APPURTENANCES OF BOILERS.

Inspector of Mines to regulate the safe working pressure of boilers.

206. Except where specially ordered otherwise in these regulations, the design of a boiler and the kind of material are left to the discretion of the user, but the Inspector of Mines will examine all new boilers with regard to the material construction and workmanship, and from the results of his examination the safe working pressure of the boiler will be fixed by him.

Water-level in boilers.

207. For stationary boilers the lowest working water-level shall be at least three inches above the highest part of the flues passing round or through the boiler, and for portable boilers and boilers of locomotives (and locomobiles) it shall be at such a height above the fireline that even in case of oscillation of the boiler the highest part of its surface reached by the fire and heated gases remains sufficiently covered by water.

Where no possibility exists of plating becoming overheated portions of the steam space of boilers may be overlapped by the flues, and in such instances it will generally be considered a sufficient precaution if the area of the water-covered portion of the heating surface, over which the hot gases pass before reaching the plates of the steam space, is at least 25 (twenty-five) times the total area of the fire grate for natural draught boilers, and 40 (forty) times in the case of forced or induced draught.

Where the conditions are such as to justify a departure from this regulation in the increase or decrease of the before-mentioned ratios, such may be allowed or ordered

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at the discretion of the Chief Inspector of Mines on the report of an Inspector of Mines.

If the boiler be connected to an economiser, consisting of tubes through which the feed water passes, then the economiser flue shall be fitted with a damper and by-pass flue.

Manholes in boilers.

208. The manholes of all boilers shall have an area of at least 11 by 15 inches and shall be of sufficient number to allow of cleaning and examination. The Inspector of Mines shall determine whether the number be sufficient, and he may allow smaller holes for boilers of smaller dimensions.

Feed water apparatus.

209. Every boiler shall be provided with two reliable feeding apparatus, either of which is capable of amply supplying the boiler with water. One of these feeding apparatus shall be either a power pump or an injector. Two or more boilers combined for joint working are, for the purpose of the above stipulation, considered as one boiler. These feeding apparatus shall be entirely independent of each other, except that when separate feed discharge valves are fitted on each pump or injector one feed delivery pipe shall be considered sufficient.

Only one feed apparatus is required for boilers of less than 20 gallons capacity.

At the place where the delivery pipe enters the boiler, the same shall be provided with a self-acting non-return vale (check) and a stop-cock or wheel valve, the latter to be placed between the check and the boiler.

Apparatus for ascertaining level of water in boilers.

210. Every boiler shall be fitted with at least two reliable apparatus for ascertaining the true level of the water in the boiler. One of these shall be a glass water-gauge with the proper blow through cocks. When the water-gauge cocks are not attached directly to the shell of the

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boiler, but to a stand pipe or column, "cocks shall as a general rule be fitted" between the boiler and the stand pipe if the connecting pipes are of less diameter than two inches or if they exceed three feet in length. These cocks should be fitted on the boiler or at the stand pipe, but in any case so as to be in sight.

If the connecting pipes, etc., are in any part of less diameter than two inches or exceed three feet in length and are bolted to the boiler "without the intervention of cocks" the arrangement will not be objected to, if otherwise satisfactory, provided there is no difficulty in keeping the passages at the ends clear, and in ascertaining that they are so.

For the latter purpose the passage in the part of the column between the top and the bottom gauge glass cocks shall be cut off or closed, which may be done permanently or by the interposition of a cock in this part.

When the other apparatus consists of test cocks, these test cocks shall be each separately connected to the boiler and the lowest one shall be at the height of the fixed lowest water-level.

Only one water-gauge is required for boilers of less than 20 gallons capacity.

The fixed lowest water-level shall be indicated by conspicuous marks on the water-gauge as well as on the boiler shell or masonry.

211. Every boiler shall be provided with at least two reliable safety valves; the area of opening for discharge of steam of each of these valves shall be sufficient to prevent accumulation of steam pressure in excess of 10 per cent. above that for which the valves are set. Safety valves in boilers.

Safety valves shall be attached directly to the shell of the

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boiler or steam dome; no stop valve shall be allowed to intervene.

One of these safety valves shall be locked and only accessible to the user of the boiler. This locked-up valve shall have an area of not less and a load not greater than those that are not locked up.

If two or more boilers have a steam drum in common from which they cannot be disconnected two safety valves are sufficient, provided that each is of the required area.

Only one safety valve is required for boilers of less than 20 gallons capacity (steam and water spaces combined) for superheaters that can be shut off from boilers, and for economisers, as also for such apparatus used for cooking or heating purposes by means of steam of a higher pressure than that of the atmosphere. This safety valve shall be locked up and only accessible to the user.

Safety valves in boilers.

212. Safety valves shall be so constructed that the valve can be easily freed from its seat at any time, and satisfactory provision shall be made to prevent the valves flying off in case of the spring or lever breaking or by the load being removed suddenly in any other way by accident or other cause.

Safety valves loaded by a weight or spring action on a lever shall be so constructed that the load acts only upon the extreme end of the lever. When safety valves are loaded directly by springs the compressing screws shall abut against metal stops or washers at the working load compression.

The springs shall have a sufficient number of coils to allow of a compression under the working load of at least one quarter the diameter of the valve.

In case of a portable boiler or boiler of a locomotive or locomobile at least one of the safety valves shall be loaded

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by a spring, and in the case of a stationary boiler at least one of the safety valves shall be loaded by weight acting direct or by leverage.

Fusible plug, etc.

213. Every boiler shall be provided with some contrivance by which any deficiency of water is made known independent of any personal observation. Such contrivance may be either a steam whistle operated by a float or other means, a fusible plug or any other contrivance, subject in every case to the approval of the Inspector of Mines who shall decide as to the reliability of the appliance.

Steam pressure gauge.

214. Every boiler shall be provided with at least one reliable steam pressure gauge which shall be approved by the Inspector of Mines. The dial shall be graduated to show pressures (of not less than 50 per cent. nor more than 100 per cent. above the maximum working pressure of the boiler) in English pounds per square inch, and on it the highest working steam pressure shall be distinctly marked with a red line.

The steam gauge shall have separate direct communication with the boiler and be capable of being shut off therefrom. The cock or valve for this purpose shall be in sight.

Test gauge cock.

215.* Every boiler shall be provided with a contrivance consisting of a cock with a flange $1\frac{5}{8}$ inches diameter by three-sixteenths thick for the attachment of the Inspector of Mines' test gauge, and which contrivance shall be so placed as to enable the person to read the test gauge and the boiler gauge from one place.

Blow-off cock.

216. Every boiler shall be provided with a blow-off

* In the publication of these Regulations in the *Gazette* of the 17th June, 1904, the number of this section was omitted. It is obviously a clerical omission.

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cock or valve, placed at its lowest point either direct or by means of a pipe.

The blow-off cock or valve and all fittings connected with the same shall be constructed of approved metal other than cast iron.

When connecting pipes are fitted they shall not be in contact with the masonry; they shall be joined by flanges and if the flange is not solid with the pipe the latter shall pass through the flange and be riveted over on the inside in addition to any other connection between the flange and the pipe such as screw thread, rivets, etc.

Such blow-off fittings shall be specially approved by the Inspector of Mines as to their reliability under all possible working conditions.

Where two or more boilers have a mud drum in common one blow-off cock or valve shall be sufficient.

Data required to be marked on boilers.

217. Every new boiler to be erected shall be marked in an easily observable manner with the name of the maker, the current factory number, the year of its construction and the intended maximum steam-pressure in English pounds per square inch.

Powers of Inspector to sanction use of certain boilers.

218. In case of a boiler, engine, or mechanical appliance, which while complying with the spirit of the law does not exactly comply with printed provisions, the Chief Inspector of Mines shall have the power on application from an intending user to sanction the use of same, anything to the contrary in this law notwithstanding.

Penalties.

219. In case of contravention of any regulation of this Part for which no penalty is prescribed, any person who shall be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment

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with or without hard labour for a period not exceeding six months.

PART XXIII.

INSPECTIONS.

Inspector to have access to boilers and machinery.

220. The Inspectors of Mines shall have free access to the places where there are boilers, steam apparatus, or machinery, and the users are obliged to admit them at any time.

If on examination a boiler is found to be in a condition from which immediate danger may arise, the Inspector may order the working of such boiler to be provisionally discontinued, and the boiler may not be used again before it has been properly repaired and permission is obtained from the Inspector.

Any instruction or decision given by the Inspector of Mines to the user of a boiler, steam apparatus or mechanical appliance shall be in writing, and the user shall be responsible that such instruction or decision is complied with.

In case of objection to any such instruction or decision given by the Inspector of Mines regarding any thing or practice in connection with machinery or boilers or any part thereof not provided for by any provisions of these regulations the user may within fourteen days lodge a written appeal with the Chief Inspector of Mines.

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PART XXIV.*

PROCEDURE IN CASE OF ACCIDENT.

Notice to be given when accidents occur.

221. Whenever an accident occurs in connection with the using of a boiler, steam apparatus, steam engine or any mechanical appliance to which these regulations are applicable, resulting in the death or serious personal injury to one or more persons, the user or his representative shall immediately by the quickest means available give written notice thereof to the Inspector of Mines, and also in case of death to the Resident Magistrate of the district concerned. Such notice to be accompanied by a report of the circumstances which may be considered to have caused the accident.

Where possible notice shall also be given by telegraph or telephone in addition to the written report already referred to.

By serious personal injury is meant such an injury as in the opinion of an admitted physician may result in the injured person being incapacitated from work at least fourteen days.

So far as the conditions attaching to the accident may be affected the boiler or mechanical appliance and the surroundings of the same shall not be disturbed or altered before the arrival or without the consent of the Inspector of Mines or his representative unless such interference is unavoidable to prevent further accidents, remove dead bodies, rescue persons from danger or to keep open the traffic.

Penalties.

222. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who

* See Part XIII, *supra*.

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may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

PART XXV.

RESPONSIBILITY.

User of boiler or engine responsible.

223. The user of a boiler, steam apparatus, steam engine or mechanical appliance is responsible that all reasonable precautions are taken to ensure the safety of the persons in his employment.

He shall see that the prescribed safety appliances are maintained in good working condition and properly used and shall stop the working of any apparatus the using of which appears in any way to have become dangerous. He is further penally responsible for any contravention of the provisions of these regulations unless he can prove that he has taken all reasonable measures for the carrying out of the same.

The user to have in his possession printed copy of regulations.

224. The user shall have in his possession a printed copy of these regulations and shall further be held responsible that every person placed in charge of a boiler, steam apparatus, steam engine, or mechanical appliance is also supplied with a copy, furnishing him with one at cost price in the event of his not already being in possession.

Ignorance of provisions of the regulations not to exonerate user from responsibility

225. Ignorance of the provisions of these regulations or of any portion thereof on the part of any responsible person concerned shall not in any way exonerate him

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from any responsibility or liability in respect of any contravention of these regulations or of any portion thereof.

Penalties.

226. In case of contravention of any regulation of this Part for which no penalty is prescribed any person who may be convicted before a competent Court of contravening any such regulation shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

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NOTE.—**m** *signifies Precious Metals Ordinance;* **p**, *Precious Stones Ordinance;* **b**, *Base Metals Ordinance: and* **r**, *Regulations. The figures in parenthesis refer to the sections.*

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